Does the narrative style of video-evidence influence judgments about rape-

complainant testimony?

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Abstract

Four studies investigated lawyers' concerns that the narrative style of police interviews with adult rape complainants reduces the impact of this interview as video-evidence. Study 1 ($N = 96$) compared mock juror perceptions of simulated evidence-in-chief either in traditional short-answer or narrative style and found testimony style was not a predictor of complainant credibility. Studies 2 ($N = 104$), 3 ($N = 102$) and 4 ($N = 102$) examined different variables that change with testimony style—the number of questions asked, overall testimony length and response length. The number of questions asked was the only predictor of complainant credibility; more questions resulted in higher credibility ratings. These findings suggest that lawyers' concerns about narrative style interviewing are unwarranted.

Complainant testimony is the central evidence in most rape trials (Lees, 2002). The common defence of consent means it is often the complainant's word against that of the accused (Lees, 2002; Stern, 2010). Difficult decisions about the defendant's guilt, veracity of the complaint, or whether there was a misunderstanding rest on this testimony. For this reason the justice system should do all it can to support the complainant to give the most complete and accurate account possible, particularly in relation to the legal elements of the alleged sexual acts and the absence of consent. Recent research suggests that playing the jury the video of the complainant's police interview instead of presenting live evidence-in-chief[1] can dramatically improve the completeness of testimony about these legal issues (Westera, Kebbell, & Milne, 2013a). Many countries have recently introduced this mode of evidence for adults, where the video is played to the jury as the basis for evidence-in-chief and the complainant is then cross-examined in the usual way (referred to in this article as video-evidence; e.g., England and Wales, New Zealand and the Northern Territory in Australia; (Australian Law Reform Commission, 2010; Ministry of Justice, 2011; Mahoney, McDonald, Optican, & Tinsley, 2007;).

Effective evidence is, however, not just about completeness. It is also about how that information is perceived by a jury. Many legal professionals from countries where video-evidence is available have expressed concern that the long narrative responses given by an adult rape complainant in the police interview are not as persuasive as the short responses usually encouraged in live evidence (Criminal Justice Joint Inspection, 2009; Stern, 2010; Westera, Kebbell, & Milne, 2013b). In this article we explore this issue by examining how the narrative style typical in a police video-interview influences perceptions of testimony when compared to traditional courtroom questioning.

Why Use Video-evidence?

There are two main benefits of video-evidence. First, it may improve the process of for the complainant by reducing the stress of having to give evidence in open court. Vulnerable witnesses report the use of video-evidence would improve their ability to give evidence (Burton, Evans, & Sanders, 2006; Hamlyn, Phelps, Turtle, & Sattar, 2004; Kebbell, O'Kelly, & Gilchrist, 2007). Second, contextual details associated with video evidence are likely to promote more complete and accurate information from the complainant. This may be particularly important in rape cases because determining issues about consent is often based on fine grain detail (e.g., conversations between the complainant and alleged offender and actions that may indicate a lack of consent). Specifically, the comparative freshness of the account is likely to limit memory loss about the event (Ebbinghaus, 1913; Read & Connolly, 2007; Rubin & Wenzel, 1996) and limit the opportunity for memory contamination to occur (Gabbert, Memon, & Allen, 2003; Greenberg, Westcott, & Bailey, 1998; Loftus & Palmer, 1974). The more relaxed environment of the interview room may reduce the likelihood that a complainant's recall is impeded by stress and encourage the reporting of highly personal details about the alleged offending (Deffenbacher, Bornstein, Penrod, & McGorty, 2004; Konradi, 2001). Lastly, unlike advocates whose purpose is to present evidence, police are encouraged to use evidence-based interviewing practices designed to maximise the completeness and accuracy of memory recall (Fisher & Geiselman, 1992; Milne & Bull, 1999).

One interview method commonly used by police services where video-evidence is available is the cognitive interview (e.g., Police services in England and Wales, and New Zealand all advocate for the use of the cognitive interview with adult complainants of sexual assault). This method promotes a witness-controlled interview where the interviewer asks the witness to 'describe everything that comes to mind as soon as she thinks of it' (p.41, Fisher &

Geiselman, 1992). A central feature of the cognitive interview and other evidence-based interviewing protocols, is to encourage the complainant to respond to questions in long free-narratives that promote more detailed recall (Powell, Fisher, & Wright, 2005). In contrast, the recommended practice for lawyers is to use questions that encourage short responses, a method that is considered more persuasive and helps to prevent the complainant from giving inadmissible evidence (Evans, 1995; Ross, 2005). Short answer questions are however likely to limit the amount of detail given by the complainant (Kebbell, Deprez, & Wagstaff, 2003). Even though evaluations of police practice suggest they do not often adhere to evidence-based interviewing practices (Clarke & Milne, 2001; Clifford & George, 1996; Dando, Wilcock and Milne, 2009), they still tend to elicit more detailed responses from the complainant than lawyers (Westera et al., 2013a).

Concerns About The Narrative Style of Police Interviews

Despite these potential benefits of video-evidence, whether the narrative style of the police interview affects how jurors perceive the complainant's testimony is not clear. When lawyers from countries where video-evidence is available are asked why they seldom apply to use it, many express the concern that the long narrative responses in the interview have less impact on a jury than the short responses encouraged by lawyers (Criminal Justice Joint Inspection, 2009; Kingi & Jordan, 2009; Powell & Wright, 2009; Stern, 2010; Westera et al., 2013b).[2] This concern is however an untested assumption. Stern's review (2010) of the treatment of rape complaints by public authorities in England and Wales, reiterated lawyers and judges concerns about playing police interviews in court:

> These video-recorded interviews can be interminably long because
> investigating police officers have, it is said, been advised to let victims say
> as much as possible at their own pace…We encountered very strong

views that currently this [how interviews are carried out] is a big

hindrance to effective trials and action needs to be taken. (p.69).

These strong criticisms go to the heart of evidence-based investigative practice for how to elicit complete and accurate accounts from eyewitnesses—encouraging narrative responses. Hence, if lawyers' concerns are valid, they may be in the difficult position of having to choose between a more complete account about legally relevant matters and evidence that presents well. Given this conflict, it is important to know whether legal advocacy recommendations about how to effectively present evidence are valid. In other words, is the traditional style of evidence-in-chief of the complainant more persuasive as evidence when compared to a narrative style? A better understanding of this issue will help inform evidence-based policy and practice about the use of video-evidence with rape complainants.

Traditional Versus Narrative Testimony Style

To understand the influence of video verses live testimony style on credibility judgments, it is important to first explore the actual differences between the testimony style in the different modes of evidence in rape cases. Westera et al.'s (2013a) comparison of police interviews with the same complainant's live courtroom evidence-in-chief in New Zealand is useful in helping us understand these differences. In this study, the transcripts of the police video interview and live evidence from ten rape cases were coded for details that went towards establishing consent (e.g., 'I told him I didn't want him near me') and what happened during the commission of the alleged offence (e.g., from 'he pushed me onto the bed' until 'he rolled over and fell asleep'). The analysis found these legally relevant details present in the interview, were significantly more likely to be left out of live evidence-in-chief than included. Indeed, the loss of information from the interview to the courtroom was so large, that more than half of the details in the interview were lost in live evidence-in-chief. In

the police interview, the complainants' responses to open questions (mean 263 words) were on average over five times longer than in live evidence-in-chief (mean 47 words). Consistent with lawyers' perceptions, these findings suggest that police interviews are characterised by longer narrative responses from a complainant and an increase in information.

Whether however longer narrative responses equate to less persuasive testimony is unclear. The two studies that have explored the influence of testimony style on perceptions of witness credibility suggest that the differences between traditional short-answer and narrative testimony style may be negligible. Lind, Erickson, Conley, and O'Barr (1978) tested differences in perceptions of 82 undergraduate students who either listened to an audio recording of a lawyer eliciting testimony from a male or female witness to a robbery using 'fragmented' (average response eight words) or 'narrative' testimony style (average response 43 words). Lind et al. (1978) hypothesised that, due to courtroom and gender-based norms, students would only expect the lawyer to relinquish control of the testimony to the female witness's testimony if he thought she was trustworthy. Hence students were predicted to evaluate the female witness more positively in the narrative condition than in the fragmented condition. But, no significant effects were found for students' ratings of the female witness's credibility when testimony style was compared. This study may not, however, provide insight into the key question of whether longer narrative responses equate to less persuasive testimony. The 'narrative' question responses in the Lind et al. (1978) analysis were more similar to the responses to lawyers' questions in live testimony than the longer narratives in police interviews found in Westera et al. (2013a).

Fisher, Mello, and McCauley (1999) compared the cognitive interview with a standard interview (usually characterised by short answers similar to legal questioning) to test whether the extra detail in the cognitive interview falsely enhanced credibility judgments. Ninety-one students listened to an audio recording of a child's recollection of playing a game

of 'Simon Says' in a cognitive condition (average 19 facts) and a standard interview

condition (average 12.5 facts). No differences were found in participants' ratings of

credibility, accuracy of memory or trustworthiness. However, what can be inferred from

these results with regard to the central research question is limited because the average

response length to questions was not reported and the mnemonics in the cognitive interview

(e.g., context reinstatement) may have influenced these judgments.

Another difficulty with generalising the findings of the Lind et al. (1978) and Fisher

et al. (1999) studies to the differences in live and video-evidence, is that the innocuous event

and robbery used in these studies may not generalise to rape cases where other factors are

known to influence judgments. In court trials generally, and in rape cases more specifically,

strength of evidence is the strongest predictor of the defendant's guilt (Daly & Bouhours,

2010; Devine et al., 2001; Visher, 1987). But in rape trials, the common absence of

corroborating evidence means judgments about strength of evidence rely largely on jurors'

perceptions of the complainant's testimony and her credibility (Lees, 2002). If the narrative

style provides more detailed and salient information about an event, this may increase

perceptions of strength of the testimony and with it complainant credibility and defendant

guilt likelihood (Bell & Loftus, 1988; Taylor & Thompson, 1982; Wells & Leippe, 1981).

On the other hand, research shows that when evidence is complex, perceivers rely on

less effortful heuristic processing, rather than systematically processing all the information

(Chaiken & Eagly, 1976; Petty & Cacioppo, 1986). The extra detail and the longer narrative

format in the interview, as opposed to testimony in court, may make the evidence more

complex and difficult to cognitively process. This may mean jurors rely more on their

stereotypes about rape and the complainant than the information given by the complainant. In

rape cases these stereotypes are likely to include the extent to which jurors hold biased

attitudes about rape (e.g., Burt, 1980; Kopper, 1996; Temkin & Krahé, 2008). Those who

endorse 'rape myths'—"descriptive or prescriptive beliefs about rape (i.e., about its causes, context, consequences, perpetrators, victims, and their inter- action) that serve to deny, downplay or justify sexual violence that men commit against women" (Gerger, Kley, Bohner, & Siebler, 2007, p.423)—are more likely to attribute blame to the complainant and find her less credible (see also Burt, 1980; Costin, 1985; Payne, Lonsway & Fitzgerald, 1999).

In this paper we report on four experimental studies that systematically investigated the validity of lawyers' concerns that the narrative style of police interviews with adult rape complainants reduces the impact of video-evidence. To ensure a high level of ecological validity we simulated the differences found in live and video-evidence documented in Westera et al. (2013a). To isolate the causes of any effects found, we took a number of steps to maintain a high level of experimental control. First, we only examined evidence-in-chief, not cross-examination. Second, we used a computer generated audio recording of a complainant's testimony to eliminate any potential effects visual presentation of the complainant may have. Third, we kept the messengers of the information constant (the questioner was always a prosecutor not a police officer) to mitigate any effects that the provider of the message may cause. Fourth, in each of the experiments we used a simple between-subjects design where we manipulated only one feature of complainant testimony style across two conditions (i.e., narrative/traditional style; many questions/few questions; long testimony/short testimony; and long responses/short responses).

Study 1

The purpose of this first study was to examine whether differences in testimony style —traditional or narrative—affect perceptions of adult rape complainant credibility and defendant guilt. To examine this issue we manipulated testimony style into two conditions: traditional (more questions, short responses, and shorter testimony) and narrative (less questions, long responses, and longer testimony). We used multiple regression analyses to

examine what factors (testimony strength, rape myth acceptance (RMA), testimony style) influenced judgments about complainant credibility and the perceptions about the likelihood that the defendant was guilty. Based on the findings of prior research on the effects of strength of evidence and RMA, we hypothesised that testimony strength would positively predict ratings of complainant credibility and defendant guilt, and RMA would negatively predict ratings of complainant credibility. Due to the lawyers' concerns about the narrative style of testimony, we hypothesised traditional testimony style would positively predict higher ratings of complainant credibility and defendant guilt.

Method

Participants and Design. Ninety six community members (50 male; 46 female) aged 18 years or over (the age group of those who can be selected for jury service) were recruited from across Australia via a survey sampling company. The mean age of those sampled was 42.76 years (SD = 14.70). Participants were randomly assigned to one of two conditions where the testimony style of the complainant was manipulated as either narrative or traditional.

Procedure and Materials. Participants agreed to take part in an online questionnaire about evidence in rape trials. All participants were provided with the written background to a mock rape trial that included an outline of the legal definition of rape, the prosecution case, and the defence case. The prosecution case was that the alleged offender was an acquaintance of the complainant. He did not listen to the complainant's requests to stop being sexually intimate and raped her. The defence case was that the sex was consensual and the complainant made the allegation of rape to police because she regretted the sexual encounter.

Complainant testimony and manipulations. After reading the case background participants listened to a female complainant's evidence-in-chief elicited by a male prosecutor. Computer-generated voices were used to eliminate any differences between

conditions that may have resulted from using actors reading the text with a different emphasis. The complainant's evidence was based on the transcript of a real acquaintance rape trial that was modified to remove identifying information. In the scenario, the complainant (Susan) was allegedly raped by her friend's flatmate (Adam) when she went to sleep on the couch after a drunken party at his house.[3]

The style of Susan's evidence was manipulated to simulate the actual differences in testimony style found between live and video-recorded evidence-in-chief in Westera et al. (2013a). In contrast to the traditional style, the narrative style contained fewer questions from the prosecutor (traditional = 20 questions; narrative = 8 questions); the response length of the complainant's account was five times as long (traditional = 48 words; narrative = 238 words); and the account was twice as long in overall testimony length (traditional = 980 words; narrative = 1960 words). The questions in the narrative condition were identical to those in the traditional condition but 12 neutrally worded questions were added. The substantive content of the narrative condition was identical to the substantive content of the traditional condition but lengthened with additional information about events (including the sexual assault) that did not change the story line. For example, in the traditional condition Susan said, "He pulled my undies off and raped me" compared to the narrative condition where Susan said, "He pulled my undies *down, and all the way* off, and *got on top of me, and* raped me" (emphasis added to show the differences in text but note that there was no additional emphasis in the computer-generated version that participants listened to).

After listening to the complainant's evidence-in-chief, participants received written instructions that Adam had been charged with the rape of Susan and to establish guilt the prosecution must prove beyond reasonable doubt that Adam had sexual intercourse with Susan without her consent or without reasonable grounds to believe she was consenting. These instructions were followed by a multi-choice question about what of type of crime the

scenario was about was used to eliminate those from the sample who had not paid attention. All remaining participants completed a questionnaire that included rating the defendant guilt, the complainant's credibility, the strength of the complainant's testimony, and manipulation checks. Participants also completed Costin's RMA questionnaire (Costin, 1985).

Guilt judgement. Participants were asked how likely it was that Adam committed rape on a seven-point Likert scale from 1, *not at all*, to 7, *very much*.

Complainant credibility. Participants were asked to rate a series of three items about complainant credibility using a seven-point Likert scale from 1, *not at all*, to 7, *very* (e.g., 'How likely is it that Susan is telling the truth about being raped by Adam'). These ratings were averaged to create a composite measure of complainant credibility after analysis revealed good internal reliability (Cronbach's alpha = .92).

Testimony strength. The strength of the complainant's evidence was explored by asking participants to evaluate the evidence using semantic differentials on a seven-point scale (weak/strong; unconvincing/convincing; unclear/clear; unpersuasive/persuasive; poorly presented/well presented). The ratings were averaged to create a composite measure of testimony strength, which had good internal reliability (Cronbach's alpha = .92).

Rape myth acceptance. To explore the influence of personal beliefs on juror judgements, Costins' R (1985) 20-item RMA scale was used to assess participants' endorsement of rape myths. An example of an item on the scale is 'Many women really want to be raped' with answers provided on a seven-point Likert scale from 1, *strongly disagree*, to 7, *strongly agree*. Nine items were reverse coded so that higher scores denoted greater endorsement of rape myths. All ratings were averaged to create a composite measure for RMA after analysis revealed good internal reliability (Cronbach's alpha = .86).

Manipulation checks. To check the effectiveness of the manipulation of testimony style, participants responded to a series of questions about the complainant's testimony on

seven-point Likert scales. These items focused on the number of questions asked from 1, *few*, to 7, *many;* response length from 1, *not long*, to 7 *long;* and overall evidence length from 1, *not long*, to 7 *long* (e.g., 'How many questions did the prosecuting lawyer ask?').

Results and Discussion

  Manipulation checks. A series of *t*-tests suggested that the manipulations were successful. The complainant testimony in the traditional condition was perceived as containing significantly more questions asked by the prosecutor ($M = 4.21$, $SD = 1.60$) and shorter responses ($M = 4.28$, $SD = 1.66$) than the testimony in the narrative condition (questions: $M = 3.45$, $SD = 1.56$; responses: $M = 4.98$, $SD = 1.49$), $t_{questions}(93) = 2.37$, $p < .05$, $t_{responses}(94) = -2.17$, $p < .05$. There were, however, no differences between conditions in ratings of overall testimony length, $t_{length}(92) = -1.24$, $p > .05$. This suggests participants were sensitive to the number of questions asked and the response lengths, but not overall length of testimony.

  Main analyses. Table 1 displays the results of correlation analyses conducted to examine the relationships between all measures. The mean guilt likelihood rating was 5.73 ($SD=1.31$). Table 2 displays multiple regression analyses conducted to examine whether our predictor variables had unique relationships with complainant credibility and guilt likelihood ratings. The overall models for complainant credibility, $F(3, 87) = 87.61$, $R^2 = .75$, and guilt likelihood, $F(3, 85) = 27.46$, $R^2 = .49$, were significant. As predicted, testimony strength was a significant positive predictor for guilt likelihood and complainant credibility, and RMA was a significant negative predictor for complainant credibility. Contrary to our predictions, testimony style was not a significant predictor ($p > .05$) of guilt likelihood or complainant credibility.

  The findings do not support lawyers' views that underpinned our hypothesis, that testimony style influences ratings of complainant credibility or defendant guilt likelihood.

These results are similar to those obtained by Lind et al. (1978) and Fisher et al. (1999) who found no effect of testimony style on perceptions of the testimony for a witness who was not a rape complainant. Our findings are also consistent with the large body of literature that suggests strength of evidence and RMA are strong predictors of complainant credibility in rape cases (e.g. Devine et al., 2001; Temkin & Krahé, 2008). Together these findings provide no support for prosecutor's concerns that narrative testimony style detracts from rape complainant credibility.

One explanation for our findings is that many features of testimony differ between traditional and narrative style. In traditional style more questions are asked, the response length is shorter and the overall testimony length is shorter than in narrative style. Each of these three features could have different effects on perceptions of testimony. If these effects are opposing, there is a possibility that any differences in the two testimony styles could have cancelled each other out and hence were not detected. We conducted three studies, 2, 3 and 4, to explore this possibility.

Study 2

Three main variables differ between a narrative and traditional testimony style. These are the number of questions asked (fewer in narrative), length of testimony and response length (both longer in narrative). To explore if and how these variables impact on perceptions of complainant credibility or defendant guilt we conducted three more studies (2, 3 and 4). In conjunction with providing insight on perceptions of complainant video-evidence, an enhanced understanding of how each of these factors influences jurors' perceptions of testimony may also generally inform practice for how testimony is elicited, whether on video or live in the courtroom. Specifically, rather than adhering to either traditional or narrative style, the most effective presentation of evidence may include a combination of the features from these different styles of testimony. For instance, if jurors found more questions and

longer responses to be more persuasive, this may suggest that interviewers or prosecutors could elicit information in this way to increase perceptions of complainant credibility.

The purpose of Study 2 was to examine whether the number of questions asked affects perceptions of adult rape complainant credibility and defendant guilt. To examine this issue we manipulated the number of questions asked into two conditions: many questions and few questions. We used multiple regression analyses to examine what factors (testimony strength, RMA, number of questions asked) influence judgments about complainant credibility and defendant guilt likelihood. As in Study 1, we hypothesised that testimony strength would positively predict ratings of complainant credibility and defendant guilt, and RMA would negatively predict ratings of complainant credibility. Based on lawyers' concerns we hypothesised more questions asked would positively predict higher ratings of complainant credibility and defendant guilt.

Method

Participants and design. One hundred and four community members (51 male; 53 female) aged 18 years or over were recruited from across Australia via a survey sampling company. The mean age of those sampled was 44.02 years ($SD = 15.74$). Participants were randomly assigned to one of two conditions where the number of questions asked by the prosecutor was manipulated to be either few or many questions.

Procedure and materials. The procedure and materials used were similar to those in Study 1, but the number of questions was manipulated. In the few questions condition (37 questions) about half the number of questions were asked when compared to the many questions condition (75 questions). The questions in the many questions condition were identical to those in the few questions condition with the addition of 38 neutrally worded open or specific questions (e.g., "what happened next?"; "where in the house were you?"). We kept the mean response length to these questions the same in both conditions (27 words),

which meant the overall length had to be varied (few questions, 1009 words; many questions, 2018 words) — we test the effect of overall length, whilst holding number of questions constant, in a later study. The internal reliabilities for all composite measures were good (complainant credibility, Cronbach's alpha = .97; testimony strength Cronbach's alpha = .90; and RMA, Cronbach's alpha = .88).

Results and Discussion

      Manipulation checks. A series of *t*-tests suggested that the number of question manipulation was successful. Participants rated that fewer questions were asked by the prosecutor in the few questions condition ($M = 5.04$, $SD = 1.54$) than in the many questions condition ($M = 5.63$, $SD = 1.17$), $t_{questions}(102) = -2.19$, $p < .05$. There were no significant differences found between conditions in participants' ratings of testimony length, $t_{length}(102) = -.66$ (even though this was varied) or response length, $t_{response}(102) = .58$, $p > .05$. This suggests participants were sensitive to the number of questions asked and the response lengths, but not to the overall length of testimony.

      Main analyses. Table 1 displays the correlation analysis between all measures in the study. The mean guilt likelihood rating was 5.69 ($SD=1.44$). Table 3 displays multiple regression analyses examining whether our predictor variables had unique relationships with complainant credibility and guilt likelihood ratings. The overall models for complainant credibility, $F(3, 96) = 63.21$, $R^2 = .66$, and guilt likelihood, $F(3, 94) = 17.72$, $R^2 = .36$, were significant. As predicted, testimony strength was a significant positive predictor of guilt likelihood and complainant credibility and the number of questions asked was a significant predictor ($p < .05$) for complainant credibility. The prosecutor asked more questions, the complainant was rated as being more credible. But contrary to predictions, the number of questions asked was not a predictor of guilt likelihood and RMA was not a significant negative predictor for complainant credibility.

The findings of Study 2 support our hypothesis that strength of testimony is a major predictor of credibility and guilt likelihood. Supporting lawyers' views, we also found mock juror judgments about credibility were influenced by the number of questions asked by the prosecutor. The complainant was rated as more credible when more questions were asked. These findings suggest the finding of no effects of testimony style on credibility judgments in Study 1 and previous studies (Lind et al., 1977 & Fisher et al., 1999), may be due to the simultaneous manipulation of multiple variables that masked, or cancelled out the effect on, each other. In the current study, the heightened judgments of credibility observed in the many questions condition may be due to jurors perceiving a more rigorous testing of the testimony in that condition. Given that in this study the complainant consistently provided satisfactory answers to those questions, this may have resulted in heightened judgements of complainant credibility. An alternative is that the mock jurors may have inferred from the prosecutor asking many questions of the complainant that he believed her a credible source of information. Hence, this was reflected in the mock jurors ratings of the complainant's credibility (Lind et al., 1978).   Finally, it is possible that the findings obtained in this study reflect the increase in overall length of the testimony rather than the absolute number of questions asked. We will address this issue in Study 3.

It is important to note that contrary to our hypotheses, and previous studies (e.g., Temkin & Krahé, 2008), RMA was not a significant predictor of credibility. It is difficult to reconcile why this well established relationship was not observed in the current analysis. One possibility is that the number of questions asked made the stereotypes less relevant and so participants used individual impression formation rather than category based responding. But this possibility seems unlikely given these two variables were only weakly correlated.

Study 3

In Study 2, the overall length of testimony co-varied with the number of questions asked of the complainant. The purpose of Study 3 was to examine whether testimony length in and of itself affects perceptions of adult rape complainant credibility and defendant guilt. To examine this issue we manipulated testimony length into two conditions: long testimony or short testimony. We used multiple regression analyses to examine what factors (strength of testimony, RMA, length of testimony) influence judgments about complainant credibility and defendant guilt likelihood. As in our previous studies, we hypothesised that testimony strength would positively predict ratings of complainant credibility and defendant guilt, and RMA would negatively predict ratings of complainant credibility. Based on lawyers' concerns we hypothesised shorter testimony would positively predict higher ratings of complainant credibility and defendant guilt.

Method

Participants and design. One hundred and two community members (48 male; 54 female) aged 18 years or over were recruited from across Australia via a survey sampling company. The mean age of those sampled was 44.30 years ($SD = 15.45$). Participants were randomly assigned to one of two conditions where the overall length of the testimony was manipulated to be either short or long.

Procedure and materials. The procedure and materials used were the same as those in Study 2, except the number of questions asked by the prosecutor was held constant. The short testimony length condition was based on that used in the traditional condition in Study 1 (1009 words) and was half as long as the long testimony length condition (2018 words). The number of questions asked was the same in both conditions (18 questions), which meant that the response length to each question had to be varied (short, 56 words; long, 115 words). The internal reliabilities for all composite measures were good (complainant credibility,

Cronbach's alpha = .97; testimony strength, Cronbach's alpha = .94; and RMA, Cronbach's

alpha = .84).

Results and Discussion

      Manipulation checks. Compared to the long condition, the short condition was

perceived as shorter in response length (short $M = 4.59$, $SD = 1.37$; long $M = 5.30$, $SD = $

1.36) and overall testimony length (short $M = 4.52$, $SD = 1.35$; long $M = 5.16$, $SD = 1.46$), t

$_{response}$ (99) = -2.62, $p < .05$; t $_{length}$ (99) = -2.30, $p < .05$. A significant effect was also

observed on responses to the number of questions asked by the prosecutor, t $_{questions}$ (99) =

3.82, $p < .001$, with the short condition rated as containing more questions than the long

condition (short $M = 4.79$, $SD = 1.59$; long $M = 3.60$, $SD = 1.55$). This suggests participants

were sensitive to the response length and overall testimony length, and were overly sensitive

to the number of questions asked.

      Main analyses. Table 1 displays the correlation analysis between all measures in the

study. The mean guilt likelihood rating was 5.71 (SD=1.43). Table 4 displays multiple

regression analyses examining whether our predictor variables had unique relationships with

complainant credibility and guilt likelihood ratings. The overall models for complainant

credibility, $F(3, 94) = 89.70$, $R^2 = .74$, and guilt likelihood, $F(3, 94) = 45.40$, $R^2 = .59$, were

significant. As predicted, testimony strength was a significant positive predictor for guilt

likelihood and complainant credibility, and RMA was a significant negative predictor for

complainant credibility. Contrary to our predictions the overall the length of testimony

condition was not a significant predictor ($p > .05$) for guilt likelihood or complainant

credibility.

      The findings suggest that contrary to lawyers' concerns the overall length of

complainant testimony does not effect mock jurors' judgements about complainant credibility

or defendant guilt. Consistent with Study 1 and prior research, testimony strength was a

positive predictor of complainant credibility and defendant guilt, and RMA was a negative

predictor of complainant credibility. Together with Study 2 the findings suggest the number

of question may influence complainant credibility judgments, but the overall length of

testimony does not. The purpose of Study 4 was to explore the final variable that differs

between these two styles—the length of the complainant's response to each question asked.

Study 4

The purpose of Study 4 was to explore whether the final variable that differs between

a narrative and traditional format of a complainant's testimony—the length of the

complainant's responses to questions asked by the prosecutor—influences perceptions of

testimony. To examine this issue we manipulated the length of the complainant's responses

into two conditions: short responses or long responses. We used multiple regression analyses

to examine what factors (perceptions of testimony, RMA, the length of responses given)

influence judgments about complainant credibility and defendant guilt likelihood. As in our

prior studies, we hypothesised that testimony strength would positively predict ratings of

complainant credibility and defendant guilt, and RMA would negatively predict ratings of

complainant credibility. Based on lawyers' concerns we hypothesised shorter responses

would positively predict higher ratings of complainant credibility and defendant guilt.

Method

Participants and design. One hundred and two participants (55 male; 47 female)

aged 18 years or over were recruited from across Australia via a community survey sampling

company. The mean age of those sampled was 45.85 years ($SD = 13.55$). Participants were

randomly assigned one of two conditions where the length of the complainant's response to

each question asked by the prosecutor was manipulated to be either short or long.

Procedure and materials. The procedure and materials used were the same as those

in Study 3, except the response length was manipulated. The responses in the short response

condition (average of 27 words in each response) were more than four times shorter than the

responses in the long response condition (average of 115 words in each response). The

overall length of the testimony the same in both conditions (2018 words), which meant the

number of questions asked by the prosecutor was varied (short, 75 questions; long, 18

questions). The internal reliabilities for all composite measures were good (complainant

credibility, Cronbach's alpha = .98; testimony strength, Cronbach's alpha = .93; and RMA,

Cronbach's alpha = .85).

Results and Discussion

      Manipulation checks. Compared to the long response condition, responses in the

short response condition were perceived as shorter in response length (short response M =

4.15, SD = 1.42; long response M = 4.83, SD = 1.34) and as comprising more questions asked

(short response M = 5.26, SD = 1.43; long response M = 3.50, SD = 1.65), t_{length} (99) = -2.50,

$p < .05$; $t_{questions}$ (99) = -5.76, $p < .001$. There were no differences between conditions in

ratings of testimony length, t_{length} (99) = -1.94, $p > .05$.

      Main analyses. Table 1 displays the correlation analysis between all measures in the

study. The mean guilt likelihood rating was 5.81 (SD=1.33). Table 5 displays multiple

regression analyses examining whether our predictor variables had unique relationships with

complainant credibility and guilt likelihood ratings. The overall models for complainant

credibility, $F(3, 92) = 47.63$, $R^2 = .61$, and guilt likelihood, $F(3, 92) = 20.27$, $R^2 = .40$, were

significant. As predicted, testimony strength was a significant positive predictor for guilt

likelihood and complainant credibility, and RMA was a significant negative predictor for

complainant credibility. Contrary to our predictions, complainant response length was not a

significant predictor ($p > .05$) of guilt likelihood or complainant credibility.

      These findings show that contrary to lawyer's concerns the length of responses given

by the complainant do not affect mock jurors judgements about complainant credibility or

defendant guilt. Consistent with Studies 1 and 3, and prior research, testimony strength was a positive predictor of complainant credibility and defendant guilt, and RMA was a negative predictor of complainant credibility. Together the findings suggest only the number of questions influence perceptions of complainant credibility, but other features of the different styles of testimony do not.

General Discussion

We conducted four studies with 404 participants from the general population to determine if lawyers' concerns that the testimony style of video-recorded evidence reduced the credibility of an adult rape complainant were justified. They were not. The findings show that the narrative style typically observed in video evidence has little effect on juror ratings of complainant credibility or guilt likelihood of the defendant when compared to a traditional short answer style of testimony. These findings are consistent with previous studies with witness testimony conducted using different case types that showed that testimony style makes little difference to judgements (Fisher et al., 1999; Lind et al., 1978).

When we isolated and evaluated each of the variables that typically differ in narrative style testimony—the number of questions asked, the overall length of testimony and the length of responses given—we observed only one exception to this general finding. When the prosecutor asked many questions, compared to few questions, mock jurors' gave higher ratings of complainant credibility. The number of questions did not however impact ratings of defendant guilt likelihood. An explanation for these findings is that more questions asked by the prosecutor may inflate credibility judgements. More research is required to explore this possibility. Whatever the case, this finding suggest that how many questions a prosecutor asks has the potential to influence juror judgments about the complainant's credibility and the use of RMA when making judgments.

The findings of the current study also suggest that the extra information found in video-evidence is unlikely to enhance juror judgements about complainant credibility as previously proposed (e.g., Westera et al., 2013a). When overall testimony length was longer, and thus more detailed, it did not result in higher perceptions of complainant credibility (a similar finding to Fisher et al., 1999). This finding is contrary to previous research that suggests the presence of extra detail on its own may increase perceptions of witness credibility (Bell & Loftus, 1988, Experiments 1 & 2; Bell & Loftus, 1989, Experiment 1). Methodological differences in the studies may account for these contrasting findings. Bell and Loftus's experiments used short scenarios (a total of 700 to 800 words from multiple witnesses) with testimony given in the third person. In contrast, the current study used longer testimony in the first person (from 980 to 2018 words). The shorter scenarios used in Bell and Loftus's studies may have heightened jurors' sensitivity to the extra detail provided. More research is required to explore how extra detail influences perceptions of complainant credibility across different types of scenarios and content of the testimony. Overall the findings of the current study suggest that when deciding on the complainant's credibility, mock jurors were more likely to rely on the perceived strength of the testimony and attitudes towards rape than testimony format.

Limitations

There are a number of limitations to the current research. The well-documented concern that the experimental control used in mock juror studies compromises ecological validity is a limitation of the present series of studies (Bornstein & Greene, 2011; Diamond, 1997; Kerr & Bray, 1982). We addressed these concerns to some degree by using a community sample of participants who were jury eligible due to age, but some of these participants may have been excluded from jury service for other reasons (e.g. occupation or prior convictions). More research is needed to systematically explore, the effects of testimony

format on credibility judgments using more realistic trial conditions by including different mediums of evidence (live or on video), cross-examination of the complainant and qualitatively examining jurors' deliberations (see Ellison & Munro, 2010). Furthermore, as the first study to examine how the narrative style of police interviews affects perceptions of rape complainant evidence, it was beyond our scope to capture the variety (and extremes) of police interviews in real life. Accounts that contain longer narratives or are more rambling or repetitive than that tested in this study may still affect credibility judgments. Finally, the findings of this study could be an artefact of the specific content of the rape case used. Replication of this study with a different case would help to establish the generalizability of the effects found.

Policy implications

More research is required, but the lack of differences in judgments about narrative and traditional testimony style lead us to tentatively suggest decisions about what method of evidence is used should be informed by other factors. There are two substantial benefits to using video evidence. First, providing evidence by video is less traumatic for complainants than providing live evidence (Ministry of Justice, 2011; Payne, 2009). This means the process is fairer for complainants and may encourage more victims of rape to come forward and continue with the court process. Second, the video may provide a more complete, and hence, fairer account to the court that is more predictable because it is recorded (Westera et al., 2013a; Westera et al., 2013b). Another important consideration for lawyers is how the complainant presents in other ways that may have an impact on jurors. For example, a high level of emotion displayed by the complainant, as is often observed in police video interviews (Westera et al., 2013b), may heighten credibility judgments (Dahl et al., 2007; Kaufmann, Drevland, Overskeid, & Magnussen, 2003; Wessel, Drevland, Eilersten, & Magnussen, 2006).

Conclusion

Video technology coupled with advances in understandings about how the interview process can effect memory reporting means jurors and judges can have access to far more complete and accurate evidence from an complainant than was previously possible. In this paper we have systematically tested lawyers' concerns about playing police interviews to juries in rape cases. Despite the exhaustive search for an impact, there were no substantive effects. The findings of the present studies remove another barrier to victims of rape having their police interview admitted as evidence that in turn will increase the likelihood of justice being achieved.

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Footnotes

[1] Evidence-in-chief, also referred to as direct examination, is the process where the party who called the witness elicits his or her testimony through questioning (e.g., a prosecutor eliciting a complainant's testimony).

[2] To our knowledge, the only studies that have sought the views of criminal justice professionals about the usefulness of video-evidence as adult sexual assault complainant evidence were conducted in England and Wales, and New Zealand.

[3] Please contact the first author for a copy of the transcript.

Table 1

Inter-Correlations for Defendant Guilt, Complainant Credibility, Testimony Strength, RMA and

Condition for All Studies

	Complainant credibility	Testimony strength	RMA	Condition
Study 1				
Defendant guilt	.74***	.70***	-.15	-.07
Complainant credibility		.86***	-.32**	-.14
Testimony strength			-.21*	-.13
RMA				.09
Testimony style				-
Study 2				
Defendant guilt	.73***	.54***	-.14	.18
Complainant credibility		.79***	-.19	.26**
Testimony strength			-.13	.13
RMA				-.11
Number of questions				-
Study 3				
Defendant guilt	.82***	.76***	-.33**	.09
Complainant credibility		.84***	-.45***	.13
Testimony strength			-.30**	.06
RMA				-.21*
Testimony length				-
Study 4				
Defendant guilt	.84***	.62***	-.23*	.22*
Complainant credibility		.76***	-.34**	.14
Testimony strength			-.25*	.13

RMA   -.08

Response length   -

Note. Significant effect at * $p < .05$, ** $p < .01$, *** $p < .001$

Table 2

Regression Analysis for Testimony Strength, RMA and Testimony Style on Complainant Credibility and Defendant Guilt for Study 1

	Complainant credibility			Defendant guilt		
	β	*t*	*sr*	β	*t*	*sr*
Testimony strength	.82	14.87***	.80	.70	8.80***	.68
RMA	-.14	-2.57**	-.14	.00	.00	.00
Testimony style	-.03	-.53	-.03	.01	.06	.01

Note. Significant effect at * *p* < .05, ** *p* < .01, *** *p* < .001

Table 3

Regression Analysis for Testimony Strength, RMA and Number of Questions on Complainant

Credibility and Defendant Guilt for Study 2

	Complainant credibility			Defendant guilt		
	β	*t*	*sr*	β	*t*	*sr*
Testimony strength	.75	12.50***	.74	.56	6.69***	.55
RMA	-.07	-1.21	-.07	-.07	-.81	-.07
Number of questions	.18	2.97**	.18	.12	1.45	.12

Note. Significant effect at * *p* < .05, ** *p* < .01, *** *p* < .001

Table 4

Regression Analysis for Testimony Strength, RMA and Testimony Length on Complainant Credibility and Defendant Guilt for Study 3

	Complainant credibility			Defendant guilt		
	β	*t*	*sr*	β	*t*	*sr*
Testimony strength	.77	13.97***	.73	.72	10.44***	.69
RMA	-.21	-3.67***	-.18	-.12	-1.71	-.11
Testimony length	.06	1.01	.06	.03	.483	.03

Note. Significant effect at * $p < .05$, ** $p < .01$, *** $p < .001$

Table 5

Regression Analysis for Testimony Strength, RMA and Response Length on Complainant Credibility and Defendant Guilt for Study 4

	Complainant credibility			Defendant guilt		
	β	*t*	*sr*	β	*t*	*sr*
Testimony strength	.73	10.70***	.70	.58	6.88***	.56
RMA	-.15	-2.23*	-.15	-.07	-.87	-.07
Response length	.01	.19	.01	.13	1.56	.13

Note. Significant effect at * $p < .05$, ** $p < .01$, *** $p < .001$