CAN I GET A WITNESS?
DIFFERENCES IN JUROR PERCEPTIONS AND BEHAVIOR
ACROSS SOURCE TYPES

by
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ABSTRACT

Previous research has attempted to illuminate how specific types of witnesses are perceived on the stand. Expert witnesses may be seen as mercenary, eyewitnesses may be seen as unreliable or unsure, and police witnesses may be viewed as untrustworthy. This study sought to analyze data from an experimental setup to gauge how potential jurors would evaluate each type’s trustworthiness and expertise. Utilizing video testimony and manipulating the label for the witness, this method allowed for comparisons between each type. It found that when jurors perceived the witness as an expert, they found him to be more trustworthy and knowledgeable. Further, a number of background factors were found to predict verdict decisions. Other results and their theoretical implications are discussed, and future paths of research are suggested.
PREFACE

I like to argue. As my parents, friends, siblings, and colleagues will attest, I enjoy arguing and finding ways to be right. This lends itself to the field of law, where arguing and persuasion are fundamental skills for success. It was only natural that my early interest in communication and psychology led me to find where they intersect with legal studies.

My earliest study on the CSI effect was a component of a special topics course titled Communication and the Law, which provided me basic instruction in this area and fostered my desire to continue studying it. I was familiar with a number of studies related to jury behavior, and intended to broaden my knowledge through the completion of this thesis. I presented the aforementioned CSI effect study at two different conferences, one of which was the American Society of Trial Consultants conference. During correspondence with other members at that conference and in the time since, I have found that communication research in this area is critically important for them: professionals in the field value new, creative attempts to study jury behavior. A major part of the field is conducting research, so this method may be of practical use for some of them.

While at this conference, I became drawn to trial consulting as a career. I have stayed in contact with a number of people I met there, who have encouraged me to
continue my education and continue research relevant to this area. I have tried to gear my Master’s projects to this arena. I had the opportunity to observe a local murder trial while completing this thesis, which pulled me further toward this field. I have had advisors who told me to find a career that doesn’t feel like ‘work;’ they said I needed to uncover a burning passion. Communication and the law is that career. Walking into that courtroom, I was excited to see what transpired each day. I have no doubts this thesis will serve me as I continue my education toward a PhD and beyond. I am confident in its potential, and believe it is a worthy endeavor.
Chapter 1
INTRODUCTION

Jury perceptions of on-the-stand witnesses are of critical importance in the criminal justice system. When this system does not work (e.g., cases of wrongful conviction or wrongful acquittal), it can often be traced back to the interaction between witnesses and jurors, chiefly the information processed by members of a jury. Key eyewitnesses may misidentify suspects, forensic or other types of expert testimony may be invalid, or police witnesses may falsely implicate someone; jurors are often unable to recognize these flaws in testimony (The Innocence Project, 2015).

Previous research in the field of communication and the law has looked at specific types of witnesses, including eyewitnesses, expert witnesses, and police. This type of work aides understanding among lawyers, judges, and trial consultants as to how these testifiers work in the court system. What is lacking is one unifying framework to isolate the effects of each type of source on juries. In the current American culture, where anti-police protests are becoming more common and citizens are inundated with messages trumpeting the infallibility of science, are these types of witnesses received in different ways by jurors? Existing studies can aid our general understanding of how different witnesses are perceived, but this thesis seeks to provide specific, side-by-side comparisons of how eyewitnesses, experts, and police are seen on the stand. Grounded in overarching persuasion and credibility theory –
specifically, the Elaboration Likelihood Model -- the approach offered here may shed light on how source characteristics and labels affect jury decision making. Through an experiment isolating the testifier type (eyewitness, expert, or police) by controlling for other message and messenger characteristics, this study seeks to provide a clearer picture of how potential jurors view each type of witness in terms of credibility and persuasiveness.

Such research is important because it has the potential to integrate multiple fields. The relationship between witnesses and jurors is one that spans the fields of psychology, law, and communication. Previous studies have approached the topic from these perspectives independently; the proposed study would attempt to triangulate all three into a framework that legal psychologists, attorneys, trial consultants, and others would find useful. While previous psychological studies have examined eyewitnesses (for example, Wells, 1978), previous law studies have examined police testifiers (for example, Slobogin, 1996), and previous communication studies have examined expert witnesses (for example, Cooper & Neuhaus, 2000), relatively little work has attempted to synthesize the fields in examining the effect of all three types of witnesses to compare them side by side.

These three types of witnesses do not encompass all types of testifiers, since there may also be character witnesses, victims, or suspects on the stand, among others. But they are common and important types to consider, given that they may make the difference between conviction and acquittal. Furthermore, recent events involving police shootings have placed this subject in the forefront of society: how can deception
be monitored on the stand, not only among police but other major testifiers? Such perceptions, and corresponding jury decisions, change lives in the form of shaping reputations, apportioning prison time, and in some cases, creating the possibility of execution.

All in all, concrete evidence and comparisons of jury perceptions in regards to witnesses could pave the way for a more efficient and effective court system. Attorneys could adjust their selection of witnesses accordingly, and judges could better instruct the jury to diminish the impact of any issues this study may find. Given the stability of the court system’s format, this study has the potential to carry important implications for years to come. From a theoretical basis, there is value to understanding how these interactions speak to social persuasion theories. The findings of this study could also inform jury perception research.

1.1 Persuasion and Credibility in the Context of the Courtroom

The foundation for this research is the literature on persuasion and credibility: on-the-stand witnesses are called to enhance the argument of either the prosecution or the defense and serve to persuade the jury that the accused is guilty or innocent (Wiener & Bornstein, 2011). Jurors make decisions about how persuasive and credible a witness is based on a number of factors, including capacity/motivation to understand testimony, likeability of the witness, and message length (Wiener & Bornstein, 2011).

Credibility is a multifaceted and complex concept, but one that is critically important to understand when it comes to opinion change (Hovland & Weiss, 1953).
Over half a century of diverse research has identified a large number of factors that contribute to credibility. The early studies included “competence”, “trustworthiness”, and “dynamism” as facets of credibility, among others (Berlo, Lemert, Mertz, 1969). However, critiques of this method of labeling argue that there is a great deal of overlap in such terms, leading to confounds (Cronkhite & Liska, 1976). For example, sources who are knowledgeable and confident in their knowledge could also be described as competent or dynamic. Other research has proposed a greater number of components that make up credibility as a concept, assessed along linear scales: friendly-unfriendly, pleasant-unpleasant, responsible-irresponsible, and so on. (Cronkhite & Liska, 1976). For the purposes of this study, we will focus on the dimensions of trustworthiness and expertise (Chebat, Filiatrault, Perrien, 1990; Kelman, 1961). Two of the testifier types are theoretically idealized in each of these: expert witnesses are called because their expertise is supposed to be high (Coulthard, 2007), and police are called because as representatives of the law, their trustworthiness is similarly venerated (Slobogin, 1996). Therefore, these two factors will be the primary focus in examining how perceived credibility varies across the different types of witnesses.

To study persuasion processes, including the role of credibility, communication scholars often use the Elaboration Likelihood Model (ELM). The ELM posits that individuals will utilize one of two routes to process incoming information: the central route, which involves careful consideration of the content of a message and its merit in detail, or the peripheral route, which involves utilizing heuristic “shortcuts” to make quick judgements about the source and persuasiveness of
the message (Petty & Cacioppo, 1981). This proposed study seems to line up well with the latter route, given that the key explanatory variable (witness type) is heuristic in nature: individuals will rely on previous knowledge and beliefs regarding each type to guide their processing.

It is important to note that a fair amount of jury research uses the “Story Model” of juror decision making as a framework (see Hastie & Pennington, 1992; Vidmar, 2005; Wiener & Bornstein, 2011). This theory posits that jurors evaluate incoming testimony in terms of how it fits within a given narrative; they may adjust the story slightly to accommodate new information, but their final verdict decision will be based on a constructed narrative that utilizes the testimony presented (Pennington & Hastie, 1992). This model seems to align with the central route of processing in ELM, in the sense that it suggests that jurors carefully consider how each piece of evidence fits in terms of the ‘big picture’ narrative. During on-the-stand testimony, central “cues” would include inconsistencies in the story, the details of the witness’s responses, or the witness’s ability to expound on specific statements.

For this study in particular, there are a couple important distinctions to be made in terms of utilizing these two models. First, the story model largely focuses on the entire body of information provided in a trial; jurors must sort the vast amount of evidence into a story to make a reasonable verdict choice (Pennington & Hastie, 1992). Given that this study will seek to only study the influence of a small cross section of information, the story model may not apply. In essence, there may not be enough information provided to these potential jurors to construct a proper narrative.
Second, studies that attempt to illuminate the influence of credibility in terms of the story model have been inconclusive (Pennington & Hastie, 1992). This may be due to credibility as a construct being dependent on ELM’s peripheral route of processing among jurors, and less so on the central route. Examples of peripheral “cues” include the attractiveness, gender, or race of a testifier; “witness type” will be treated in the same category for the purposes of this thesis.

There is also some evidence to suggest that message receivers do not always select one route or the other. Highly involved individuals may be able and motivated to process both central and peripheral cues (Stiff, 1986). In a high-stakes criminal trial where the accused could face a long prison sentence or even execution, one might expect the jurors to be highly involved and motivated to incorporate as many cues as possible. This would include source characteristics and argument quality.

This study’s hypotheses will reflect the idea that individuals take source type into account when they process information. In the case at hand, subjects are processing whether a witness is an eyewitness, expert witness, or police witness. Source type is a peripheral cue: jurors are making snap judgements based on the individual’s label as one of those three kinds of witnesses. Based on persuasion theory in general and the ELM in particular, jurors should base their judgements in part on their perceptions of the source type, in addition to the testimony itself. This means that in the method proposed below – an experiment in which source type is isolated, meaning the jurors do not have other information to draw conclusions from – the subjects will be forced into the peripheral route of processing, where their perceptions
should reflect the pre-formed ideas they have about each type of witness. For example, a subject who has had an unpleasant experience with police or is involved in the “#BlackLivesMatter” movement will probably view the police testifier more negatively than the average subject, based on the “police officer” label as a peripheral cue. Therefore, the foundational research question to be addressed is as follows:

*RQ: How do jurors perceive different types of witnesses on the stand?*

In the existing literature, studies typically fall into one of three categories: eyewitness-related research, expert witness research, and police testimony/perjury research. Taken together, the three align with the hypotheses and research design to be discussed in the next sections. Beyond these strands of research, a few miscellaneous studies inform the overarching theoretical basis and specific methods to be utilized in this thesis.

### 1.2 Eyewitnesses

Within eyewitness-related research, some studies have attempted to gauge the probative value of eyewitness testimony (Wells, Memon, & Penrod, 2006). Others have compared how eyewitnesses are perceived based on basic traits (Leippe & Romanczyk, 1989) or how inconsistency may affect the impact of the testimony (Berman & Cutler, 1996). Much of this research draws from the field of psychology, but the fundamental question hearkens back to the elements of credibility.

Eyewitnesses in court do not match up well to the idealized dimensions of credibility: they are ordinary citizens who typically lack expertise, they are strangers
to all the jurors and are therefore not particularly trustworthy, and they may or may
not be susceptible to deception (Berman & Cutler, 1996; Narby & Cutler, 1994; Wells,
1978). Yet they are often the most crucial witnesses in a given trial. They offer a
unique perspective: they are not wholly different from the jurors in terms of their role
in society as a citizen, but they were present at the time of a crime and have some
direct memory of the event. Lieppe (1985) found that although jurors may be skeptical
of the testimony of an eyewitness, they will still err on the side of believing them to be
truthful. Perhaps in this sense, jurors view eyewitnesses to be credible in spite of a
lack of expertise. Eyewitnesses are high in trustworthiness because there is seemingly
no motivation for them to tell anything other than the truth; if they do testify falsely,
one might assume that this is due to memory lapses and not intentional.

A considerable amount of research on eyewitness testimony focuses on its
tendency to be inconsistent or inaccurate (see Berman & Cutler, 1996; Cutler, Dexter,
& Penrod, 1990; Cutler, Penrod, & Dexter, 1989; Leippe & Romanczyk, 1989; Wells,
1978; Wells, Memon, & Penrod, 2006; Wells & Olson, 2003). Eyewitnesses often fail
to remember details, alter their story multiple times across the process, or struggle to
identify the actual culprits (Wells & Olson, 2003). These detrimental features are
exacerbated for child witnesses (Leippe & Romanczyk, 1989). There is a great deal of
concern among psychologists, law scholars, and attorneys that jurors exhibit an
exaggerated trust of eyewitnesses on the stand: often they are unaware of the typical
inconsistencies or see these testifiers as objective, honest participants in the trial
(Cutler, Dexter, & Penrod, 1990; Narby & Cutler, 1994). Jurors place great weight on
the confidence eyewitnesses display, regardless of the level of detail they may recall (Berman & Cutler, 1996).

Efforts to safeguard against an overreliance on eyewitness testimony have yielded mixed results (Wells, Memon, & Penrod, 2006). Though expert testimony can be used to counter it, expert witnesses are not without their own issues (Cutler, Penrod, & Dexter, 1989). The process of voire dire cannot fully eliminate jurors who wrongfully trust eyewitnesses (Narby & Cutler, 1994). Even basic cross-examination in the courtroom can only do so much to cast doubt on inconsistent testimony (Pezdek, Avila-Mora, & Sperry, 2010).

It seems that there may be some inherent identification between jurors and eyewitnesses: neither are considered “agents of the law”, but rather common citizens called for a civic purpose. Jurors may believe that their motivations align with eyewitnesses – they want the truth revealed and justice to be served – and, thus, these eyewitnesses do not possess a motivation to lie or present untruthful evidence (Wells & Olson, 2003). What these jurors may not be aware of is the erratic nature of eyewitness testimony, given multiple studies show that it is common for such witnesses to misremember details (Berman & Cutler, 1996; Wells, 1978; Wells & Olson, 2003). Thus, one central focus of this study will be perceived credibility of eyewitnesses: do jurors perceive them as trustworthy and knowledgeable?
1.3 Expert Witnesses

Within expert witness research, there is a great deal of work pertaining to forensic experts (Maeder & Corbett, 2015). However, there are also a few studies pertaining to more general themes of expert testimony (McKimmie, Newton, Terry, & Schuller, 2004), including how payment may change how juries perceive expert witnesses (Cooper & Neuhaus, 2000). Most of this research is derived from the fields of communication and the law.

Studying expert witnesses is more challenging in the sense that there is not a defining gestalt for this group, as compared to eyewitnesses or police witnesses. Firstly, expert witnesses can vary greatly in terms of what their area of expertise may be, and this area of expertise may correspondingly alter their perceived identity on the stand (Chaemsaithong, 2012). For instance, a psychologist called to testify may be better able to relate and communicate with a jury than an expert in a technical field such as computing or engineering. Independent of this, some experts may be experienced and skillful testifiers, whereas others may struggle to effectively answer questions and apply their expertise (Cooper & Neuhaus, 2000). Each individual expert has numerous motivations and goals, all of which may shape how he/she is received in the courtroom (Cooper & Neuhaus, 2000). Even the gender of the expert can affect juror responses to the testimony (McKimmie, Newton, Terry, Schuller, 2004).

The feature to be focused on for the purposes of this study is the knowledge of the expert. At a fundamental level, the reason an attorney calls expert witnesses is because they are expected to be knowledgeable about a given subject (Cooper &
Neuhuas, 2000). It is inherent in their role as an expert that they possess understanding of a subject beyond the lay person (Ivkovic & Hans, 2003). They are labeled as expert witnesses because the expectation of the jury is that they know a great deal about a certain topic. Though they may vary in many ways (e.g. topical expertise, gender, communication skills, experience), their unifying feature is that they can share their expertise with a jury and offer their opinions (Chaemsaithong, 2010; Cooper & Neuhaus, 2000; Coulthard, 2007; Cutler, Penrod, & Dexter, 1989; Leippe, 2009; McKimmie et al, 2004; Parrott et al, 2015; Steele, 1999). Though some may be more skillful or more attractive as testifiers, jurors should perceive all as knowledgeable to an extent.

The difference in topical expertise is important to note when discussing the influence of expert testimony. Expert witnesses from unique fields may be received in a dramatically different way than the more common ones. For instance, the linguist is an expert who can relate well to jurors, because everyone has some fundamental knowledge of language (Coulthard, 2007). Most psychologists will similarly be well understood because the nature of their expertise is something of which jurors are aware and possess some own personal knowledge (Cutler et al, 1989). With a more technical or scientific topic like forensic evidence, there may be some general understanding among the public, but it is probably limited or somewhat inaccurate (Brewer & Ley, 2010). Forensic experts may then struggle to relate to jurors. When jurors are presented with testimony about the equally complex medical or economic fields, they also struggle to evaluate the substance of the message (Ivkovic & Hans,
2003). It can be assumed that similarly complex fields (physics, computer engineering, etc.) would be received differently. This may not necessarily alter perceptions of knowledge or trustworthiness, but it is important to note for practical purposes that all experts are not created equally (Vidmar, 2005).

The studies described above have established that jurors believe eyewitnesses are perceived as honest and objective, but not all expert witnesses may be viewed in the same way. Though their testimony will typically be seen as detailed and credible (Parrott et al, 2015), they may occasionally be seen as having ulterior motives or at the very least, be willing to tailor their responses to an outcome that favors the side by which they were called (Cooper & Neuhaus, 2000, Dvoskin & Guy, 2008). Important factors identified by previous research include the level of payment experts receive, and the frequency with which they are called (Cooper & Neuhaus, 2000). If an expert is both well-compensated and testify frequently, jurors may perceive that expert as something of a ‘courtroom mercenary,’ who shows up with one goal in mind: saying exactly what the attorney wants to be said, whether true or false (Cooper & Neuhaus, 2000). Cooper and Neuhaus (2000) tested whether jurors had different perceptions of expert witnesses who were paid well versus those who were poorly paid. The results showed that jurors perceived the experts who were paid highly and had high credentials as less effective, less liked, and less honest than experts who were paid little and had high credentials. The results also revealed that highly paid and highly credentialed experts may be perceived as “hired guns;” those who admitted to testifying often in court were less liked, less trusted, and less believed than those who
said they rarely testified. More often than not, jurors attend to these secondary factors to evaluate expert testimony because the substance of the testimony itself can be difficult to understand (Vidmar & Diamond, 2000).

One notable example is the case of Annie Dookhan, a Massachusetts state chemist who falsely testified in thousands of drug cases for over two years. Ms. Dookhan had forged drug test results, lied about her credentials, and tampered with evidence in an effort to increase her standing among forensic testifiers, resulting in an indeterminable number of wrongful convictions (Seelye & Bidgood, 2013). Therefore, an important aspect of the proposed study will be to determine how jurors perceive an expert witness’ honesty/trustworthiness in the courtroom.

All in all, there seems to be a great deal of variation among expert witnesses. Everything from their area of expertise to their level of compensation can change how jurors view them. While this study will not seek to explore these details among experts, it will provide clarity to how they are perceived as a group in terms of knowledge and trustworthiness.

### 1.4 Police Testifiers

Third, there are many studies related to police perjury (Skolnick, 1982; Slobogin, 1996). The recognition of police deception as a major issue within the courts has been extensively researched by legal academics. Unfortunately, the literature here is almost entirely concentrated in law journals; there are few quantitative studies, let alone experiments, to support the claims of this research, in part because perjury is
difficult to measure (Dorfman, 1999). There is also a dearth of research dedicated to
genral police testimony: while many examine police perjury at length and others
attempt to quantify general attitudes toward police, no one has tried to capture a
generalized impression of how police officers are viewed in the courtroom. This is
problematic, given that police are very commonly called to testify in court (Dripps,
1996).

Within police-related research, there are a number of subtopics to consider for
this particular study. Chief among them are surveys that examine general attitudes
toward police among the public (Brooks & Friedrich, 1970; Dirikx, Gelders, & Van
den Bulck, 2010; Nix, Wolfe, Rojek, & Kaminski, 2014; Orr & West, 2007). Given
that jurors are selected from the general voting public, it is important to note how the
public as a whole views police in a broad context. This facet of police research has
become particularly important in the last year, as the highly publicized police
shootings of Michael Brown and Samuel Dubose (among others) have undoubtedly
changed public perception of police (Harkinson, 2014; Harper, 2015; Salter & Suhr,
2015; Williams, Lowery, & Berman, 2015). Though public perceptions of police on
the streets may differ from perceptions of police in a courtroom setting, it is
reasonable to assume that the two are related.

Beyond this research, a sizable body of research addresses the issue of police
deception, both outside of the courtroom (Chin & Wells, 1998; Dorfman, 1999;
Erikson, Cheatham, & Haggard, 1976; Gau, 2013; Nix et al., 2014; Skolnick, 1982;
Zeidman, 2004) and inside the courtroom (Chin & Wells, 1998; Cunningham, 1999;
Dripps, 1996; Goldsmith, 2005; Skolnick, 1982; Slobogin, 1996). This suggests that honesty is a critical aspect of credibility to consider for police testifiers. Unlike eyewitnesses, police may be motivated to lie on the stand if it means putting away a suspect they have been working to find for a long time (Cunningham, 1999). Unlike expert witnesses, police are probably not expected to have immense knowledge in a specific subject, but rather to know a great deal about the details of a given case (Slobogin, 1996). All of these point to the primary motivation a prosecutor would have to call a police witness: their motives align because both want justice to be served (Cunningham, 1999; Goldsmith, 2005; Zeidman, 2004).

It is difficult to quantify the impact of police perjury; the number of wrongful convictions due to perjury cannot be readily ascertained, so most of the evidence is anecdotal (Goldsmith, 2005). The Innocence Project (an organization dedicated to reversing wrongful convictions of imprisoned individuals) estimates that nearly fifty percent of wrongful convictions are in part due to police perjury (2015). It makes sense that this problem is inherent, because prosecutors rely on police to help them convict, and police rely on prosecutors to help them put criminals in prison (Cunningham, 1999). This mutually reliant relationship also means that police will rarely face consequences for such perjury (Goldsmith, 2005).

The present entities within the court may struggle to combat such falsifications in testimony. A judge may choose to strike or suppress certain testimony from the record, but if the jury has already heard the falsification, it may be more difficult to forget (Slobogin, 1996). Prosecutors may fact-check their chosen police testifiers prior
to the trial, but it could be in their own best interest to remain ignorant of such
deception, given that it may lead to a conviction (Zeidman, 2004). Therefore, a great
deal of the burden falls upon the defense attorney and the jury to expose the false
testimony. Dorfman (1999) argues that the defense attorney should have free reign to
thoroughly cross-examine police testifiers, in order to better reveal omissions, lies, and
misleading information submitted in court. By allowing a built-in aspect of the process
to solve this problem, the concerns about juries being influenced by false testimony
should be alleviated (Dorfman, 1999).

This study will attempt to illuminate whether jurors are trusting or skeptical of
police testimony. Given the current environment and existing work on police perjury,
perhaps jurors’ perceptions are shifting when it comes to police testifiers. Therefore,
an analysis of perceived trustworthiness of police witnesses will be a vital component
of this thesis.

1.5 Differences Between Jurors

Independent of witness type, it is important to acknowledge the variability in
jurors and how this may influence their perceptions. A number of factors may shape
the way jurors act as receivers of testimony, and there may be numerous individual
differences in how they perceive the source (Garvey, Hannaford-Agor, Hans, Mott,
Munsterman, Wells, 2004). Gender can influence the side jurors favor depending on
the case; for instance, women are more likely than men to convict in a rape case
against a male suspect (McKimmie, Newton, Terry, & Schuller, 2004; Wiener &
Bornstein, 2011). Race is another factor to be considered, particularly when it comes to police or expert witness testimony (Baskins & Sommers, 2010). Viewership of crime shows has been extensively researched as a potential influence on how jurors interpret police and expert testifiers (Baskins & Sommers, 2010; Cole & Dioso-Villa, 2009; Shelton, Kim, Barak, 2006). Other potentially important demographic factors include political affiliation, education, and age. Given the variation among individual jurors on these factors (among others), this thesis will examine their potential roles in shaping how jurors respond to different types of witnesses.

1.6 Other Research

Lastly, there are a few miscellaneous studies that will be used to tie those categories together and to support the methods of this thesis. There are a few studies related to jury perceptions in general that should be considered. Jurors have been shown to vary in terms of retention abilities and listening skills, but on the whole are attentive and careful in their consideration of information (Forston, 1970). This is important for this study, given that subjects will be asked to view a portion of video testimony and will be asked questions about this testimony. Another consideration for the video to be created involves the attractiveness of the testifier. Previous research shows that testimony from very attractive witnesses may be more probative among jurors (Friend & Vinson, 1974). This will be controlled for by using the same video testimony across conditions. In addition, one study validates the use of video in studying courtroom interactions (Miller, Bender, Florence, & Nicholson, 1974).
It is also important to note that although the approach discussed below will involve a criminal trial, this research may be relevant in civil trials. Jurors in such trials evaluate similar testimony from eyewitnesses, expert witnesses, and police; further, the current collection of work in jury research suggests a great deal of similarity in effects between jurors in criminal trials and civil trials (Wiener & Bornstein, 2011). In terms of practicality, this study will seek to add to knowledge regarding both kinds of trials.

The current body of research provides a foundation for a new approach to examining how jurors perceive different types of witnesses. Using the ELM as an overarching framework, this thesis will illuminate how citizens view eyewitnesses, experts, and police in terms of trustworthiness and expertise. An experimental method involving a criminal case will allow for internally valid evidence of source type effects. Of course, the limits of this study necessitate continuation of this line of research. Diverse methods and new approaches are vital to expanding knowledge of jury perceptions. This study seeks to build on previous work exploring how juries perceive eyewitnesses, expert witnesses, and police witnesses; but more will be needed in the future. The approach here is a stepping stone to wider understanding of jury behavior.

1.7 Hypotheses

It can be expected that any sort of identification will increase perceived trustworthiness, given that it provides a distinction and some level of credibility.
Unlabeled testimony provides little information in terms of credibility, but giving subjects an indication of why the testifier has a reason to speak should increase trustworthiness (Hovland & Weiss, 1953; McLaughlin, Cheatham, Erickson, Waggenspack, 1979; Wu & Schafer, 1987). It is difficult to say which type of witness will perceived as the most trustworthy, given that there is not much existing literature documenting comparisons between these groups.

\[ H_{1a}: \text{An eyewitness will be perceived as more trustworthy than an unidentified witness.} \]

\[ H_{1b}: \text{An expert witness will be perceived as more trustworthy than an unidentified witness.} \]

\[ H_{1c}: \text{A police witness will be perceived as more trustworthy than an unidentified witness.} \]

\[ RQ_2: \text{How does perceived trustworthiness differ across each source type?} \]

The defining feature of expert witnesses is their knowledge; they are called to testify because they are believed to possess a great deal of expertise on a given subject (Chaemsaithong, 2012; Dvoskin & Guy, 2008). It follows that their perceived expertise will be greatest among the conditions. It is less clear as to whether eyewitnesses or police will be viewed as more knowledgeable.

\[ H_{2a}: \text{An expert witness will be perceived as more knowledgeable than an unidentified witness.} \]

\[ H_{2b}: \text{An expert witness will be perceived as more knowledgeable than an eyewitness.} \]
$H_{2c}$: An expert witness will be perceived as more knowledgeable than a police witness.

$RQ_2$: How does perceived knowledge differ between police and eyewitnesses?

Relating back to the aforementioned logic, any label for the testifier should increase overall perceived credibility. This increased credibility, combined with the testimony, should serve to increase suspicion of the suspect, and therefore, result in a higher likelihood of conviction.

$H_{3a}$: Potential jurors who view testimony from an eyewitness in favor of the prosecution will be more likely to convict than those who view the same testimony from an unidentified witness.

$H_{3b}$: Potential jurors who view testimony from an expert witness in favor of the prosecution will be more likely to convict than those who view the same testimony from an unidentified witness.

$H_{3c}$: Potential jurors who view testimony from a police witness in favor of the prosecution will be more likely to convict than those who view the same testimony from an unidentified witness.

The model depicted in Figure 1 is an extension of the logic thus far. Source type influences both perceived trustworthiness and expertise (given that the different sources should be perceived differently in these terms). These two factors in turn influence jury decisions, given that jurors who trust and view a testifier as knowledgeable should be more likely to convict a suspect against whom the witness is
testifying. Therefore, perceived trustworthiness and expertise act as mediators between source type and jury decisions.

\( H_4a: \) Perceived trustworthiness will predict jury decisions, so that those who perceive the testifier to be more trustworthy will be more likely to convict.

\( H_4b: \) Perceived expertise will predict jury decisions, so that those who perceive the testifier to be more knowledgeable will be more likely to convict.

\( H_5a: \) Perceived trustworthiness will mediate the effect of source type on jury decisions.

\( H_5b: \) Perceived expertise will mediate the effect of source type on jury decisions.

Figure 1.1: Proposed Model

Finally, background factors may influence jurors, based on previous studies involving the correlation between jury decisions and race (Baskins & Sommers, 2010; Garvey et al, 2004), gender (McKimmie et al, 2004; Wiener & Bornstein, 2011), political affiliation (Wiener & Bornstein, 2011), and trust in police (Nix et al, 2014).
RQ5: What background factors (including race, gender, political affiliation, and trust in police) predict jurors’ perceptions of trustworthiness and expertise and verdict decision?

RQ6: What background factors moderate the impact of source type on perceived trustworthiness, perceived expertise, and verdict decision?
Chapter 2

METHODS

The purpose of this study is to isolate the effects of source type on potential jurors’ verdict decisions, through the influence of perceived expertise and trustworthiness. By manipulating the identification of the testifier, this study seeks to confirm source type as a peripheral cue influencing perceptions of expertise and trustworthiness, in addition to confirming a cause and effect relationship between source type and jury decisions.

2.1 Procedure

The method of study was a between-subjects experimental design, involving four conditions revolving around the type of testifier (eyewitness, expert witness, police, or unidentified). Subjects were randomly assigned to a condition through Qualtrics. They were asked to read a short summary of a hypothetical trial (held constant across conditions) and then told they would view a short video of testimony from it (see Appendix A). The testimony was the same across conditions; it was delivered by the same person in the same dress/appearance (an actor), describing an impression of a suspect in a murder case (see Appendix B for the transcript). The actor selected for this video was an ideal choice: he had a degree in psychology (although was not a practicing clinician), and his career involved carrying a badge as a state
inspector. He also had experience testifying in court. The background selected for the video closely resembled the background of a witness stand at the Camden County Courthouse. To minimize confounds, the only manipulation of the video was the identification of the testifier. This was done through a label above the video and through a brief written introduction in Qualtrics prior to the start of the video, explaining the nature of the witness’ interaction with the suspect. Participants were shown a video from one of the four conditions: eyewitness, expert witness, police witness, or unidentified witness. They viewed the video in its entirety. Following the video, they were given a survey asking about their perceptions of the testifier’s trustworthiness and expertise based on the testifier, the message itself, and their own personal perceptions as a theoretical juror. The survey also included some filler questions in order to disguise the purpose of this study. (see Appendix C).

Participants were recruited from a number of introductory communication classes at a large public university in the Mid-Atlantic. There were a few advantages to this approach, including the ease with which a large sample size could be obtained, as well as the fact that most of the subjects were educated enough to follow the testimony readily, and of voting age (and therefore eligible for jury duty). The disadvantages were that the sample was relatively homogenous in terms of age, race, and education.

This type of method facilitates comparisons between types of witnesses and may serve to identify patterns in perceived credibility through the lens of trustworthiness and expertise. It may also provide further support for the use of video
testimony in experimental jury research (Miller et al, 1974). To avoid deceiving subjects, the case was presented as hypothetical. The independent variable is testifier type. The dependent variables are perceived trustworthiness, perceived expertise, and jury decisions.

2.1.1 Testifier Type

This variable was manipulated through two complementary methods. First, a text label was added above the video in Qualtrics to distinguish between “Eyewitness,” “Expert Psychologist,” and “Police Witness.” Second, a written introduction was shown prior to the video. Each included an explanation as to the nature of the testifier’s interaction with the witness and a label falling into one of those three categories. Beyond this opening, the testimony was exactly the same for each video. The expert witness for this study was an expert psychologist, and was labeled accordingly to avoid confusion among subjects. For the fourth experimental group, subjects watched a video without a label, and the introduction was not included. A manipulation check was included in the post-test survey to test whether subjects correctly perceived the source label.

2.1.2 Trustworthiness

This dependent variable was measured utilizing Ohanian’s (1990) scale of credibility. Subjects were asked to rate the testifier on a five-item, seven-point semantic differential scale. The items included dependability, honesty, reliability,
sincerity, and trustworthiness. The current study yielded a Cronbach’s $\alpha$ of .84 for this scale. Thus, the scale was highly reliable.

2.1.3 Expertise

This dependent variable was measured utilizing Ohanian’s (1990) scale of credibility. Subjects were asked to rate the testifier on a five-item, seven-point semantic differential scale. The items included experience, knowledge, qualification, skill, and expertise. The current study yielded a Cronbach’s $\alpha$ of .81 for this scale. Thus, the scale was highly reliable.

2.1.4 Jury Decision

To measure subjects’ decisions regarding the verdict, the survey included items asking about how the video testimony influenced their verdict decision, how they would vote on the hypothetical case, and how confident they felt about that vote. These three items were included to attempt to obtain a more nuanced, detailed response in regards to verdict beyond the typical “guilty or not guilty,” and to be combined into an index measuring jury decision.

The current study found that including the confidence item diminished the overall reliability of the scale. However, the other two items produced an index with Pearson’s $r = .63$; For this index, those who score highest on the scale are both heavily influenced by the testimony and are influenced in a direction of voting guilty.
Therefore, this two-item index was included in the data analysis as the “Jury Decision Scale,” whereas the confidence item was included separately, as its own variable.

2.1.5 Perceived Realism

To help determine external validity and assess the effectiveness of the hypothetical testimony, subjects were asked about their perceptions of the realism of the entire case and the portion of testimony they viewed, each on a seven point semantic differential scale. Subjects were also asked about how violent, suspicious, and unstable they perceived the hypothetical suspect to be; these were rated on a similar seven-point semantic differential scale.

The first two items revealed that most believed this video testimony was relatively realistic. They indicated that the case sounded reasonably realistic (M = 4.45, SD = 1.37) and the testimony they viewed was similarly realistic (M = 4.31, SD = 1.40). Subjects indicated that while they found the described suspect to be relatively unstable (M = 4.71, SD = 1.23), they did not believe him to be overly suspicious (M = 3.17, SD = 1.07). They also believed him to be slightly violent (M = 4.08, SD = 1.10). All in all, these items show that the video testimony adequately served its purpose: most participants believed it was more realistic than not, and their beliefs about the subjects reflected the content of the testimony.
2.1.6 Receiver Characteristics

Finally, to assess the influence of mock juror characteristics on the dependent variables, subjects were asked about their race, gender, major, political affiliation, trust in police, trust in psychologists, trust in eyewitnesses, trust in people in general, and trust in the criminal justice system in general. These were examined as potential moderators for the hypothesized effects.
Chapter 3

RESULTS

Table 1: Sample Demographics

<table>
<thead>
<tr>
<th></th>
<th>Overall</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>108</td>
<td>54.6%</td>
</tr>
<tr>
<td>Female</td>
<td>88</td>
<td>45.4%</td>
</tr>
<tr>
<td>Race</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White/Caucasian</td>
<td>162</td>
<td>83.5%</td>
</tr>
<tr>
<td>Black/African American</td>
<td>13</td>
<td>6.7%</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>15</td>
<td>7.7%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>12</td>
<td>6.2%</td>
</tr>
<tr>
<td>Political Affiliation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republican</td>
<td>61</td>
<td>31.4%</td>
</tr>
<tr>
<td>Democrat</td>
<td>50</td>
<td>25.8%</td>
</tr>
<tr>
<td>Independent</td>
<td>58</td>
<td>29.9%</td>
</tr>
<tr>
<td>Other</td>
<td>25</td>
<td>12.9%</td>
</tr>
</tbody>
</table>

In all, 194 undergraduate students from various communication courses at the University of Delaware completed the study. Table 1 reports the demographic composition of the sample. Men made up slightly more of the sample (54.6%, \( n = 108 \)) than did women (45.4%, \( n = 88 \)). In terms of race, 162 subjects identified as White/Caucasian (83.5%), 13 as Black/African-American (6.7%), 15 as Asian/Pacific Islander (7.7%), 12 as Hispanic (6.2%), and 3 as other (1.5%). Subjects were permitted to select more than one item for race. In terms of political affiliation, 61 identified as Republican (31.4%), 50 as Democrats, (25.8%), 58 as independent
(29.9%), and 25 as other (12.9%). A series of one-way ANOVA tests and corresponding planned contrasts were conducted to evaluate the hypotheses.

**Hypothesis 1**

Contrary to the first set of hypotheses, the results showed no significant differences across witness type in how trustworthy participants perceived the witness to be: $F(3, 186) = .08, p = .97$ (see Table 2). H1a suggested that the eyewitness would be perceived as more trustworthy than an unidentified witness. The analysis revealed no significant difference between the perceived trustworthiness of the eyewitness (M = 4.54, SD = 1.08) and the unidentified witness (M = 4.45, SD = 1.07); $t(1, 186) = .46, p = .67$. H1b suggested that the expert witness would be perceived as more trustworthy than the unidentified witness. The analysis revealed no significant difference between the perceived trustworthiness of the expert witness (M = 4.49, SD = .89) and the unidentified witness; $t(1, 186) = .22, p = .83$. Finally, H1c suggested that the police witness would be perceived as more trustworthy than the unidentified witness. The analysis revealed no significant difference between the perceived trustworthiness of the police witness (M = 4.52, SD = .85) and the unidentified witness; $t(1, 186) = .37, p = .71$.

**Hypothesis 2**

Contrary to the second set of hypotheses, the results showed no significant differences in perceived knowledge across witness type: $F(3, 187) = 1.10, p = .35$ (see Table 2). H2a suggested that the expert witness would be perceived as more knowledgeable than an unidentified witness. The analysis revealed a marginally
significant difference between the perceived knowledge of the expert witness (M = 4.48, SD = .86) and the unidentified witness (M = 4.17, SD = .86); t(1, 187) = 1.64, p = .10. This difference, while in the hypothesized direction, was not only of borderline significance but also substantially small (.31 on a 7-point scale). H2b suggested that the expert witness would be perceived as more knowledgeable than the eyewitness. The analysis revealed no significant difference between the perceived knowledge of the expert witness and the eyewitness (M = 4.26, SD = .96); t(1, 187) = 1.19, p = .24. Finally, H2c suggested that the expert witness would be perceived as more knowledgeable than the police witness. The analysis revealed no significant difference between the perceived knowledge of the expert witness and the police witness (M = 4.20, SD = .94); t(1, 187) = 1.52, p = .13.

**Hypothesis 3**

Contrary to the third set of hypotheses, the results showed no significant differences in verdict decision making between across witness type: F(3, 190) = .47, p = .71. (see Table 2). H3a suggested that participants who viewed the eyewitness testimony in favor of the prosecution would be more likely to convict than participants who viewed the unidentified witness. The analysis revealed no significant difference between the verdict decision of participants who viewed the eyewitness (M = 5.05, SD = .81) and participants who viewed the unidentified witness (M = 5.00 SD = .65); t(1, 190) = .33, p = .75. H3b suggested that participants who viewed the expert witness testimony in favor of the prosecution would be more likely to convict than participants who viewed the unidentified witness. The analysis revealed no significant differences
between the verdict decision of participants who viewed the expert witness (M = 4.99, SD = .76) and those who viewed the unidentified witness; t(1, 190) = -.07, p = .94.

Finally, H3c suggested that participants who viewed the police witness testimony in favor of the prosecution would be more likely to convict than participants who viewed the unidentified witness. The analysis revealed no significant differences between the verdict decision of participants who viewed the police witness (M = 4.88, SD = .75) and those who viewed the unidentified witness t(1, 190) = -.81, p = .42.

Confidence in verdict decision was treated as a separate variable, which yielded similar results as those above (see Table 2). The analysis revealed no significant differences in confidence across witness type: F(3, 190) = 1.302, p = .28. However, post-hoc analyses revealed a marginally significant difference in confidence between those who were in the eyewitness condition (M = 3.69, SD = 1.41) and the unlabeled condition (M = 4.23, SD = 1.55): t(3, 190) = -1.91, p = .06. This contrast suggests that those who viewed the eyewitness testimony had slightly less confidence in their verdict decision than those who were shown an unidentified witness.
Table 2: Mean Values (Standard Deviations) and ANOVA Results for Key Dependent Variables, by Condition

<table>
<thead>
<tr>
<th>Condition</th>
<th>Eyewitness</th>
<th>Expert Witness</th>
<th>Police Witness</th>
<th>Unidentified Witness</th>
<th>F</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perceived Trustworthiness</td>
<td>4.54 (.108)</td>
<td>4.49 (.89)</td>
<td>4.52 (.85)</td>
<td>4.45 (1.07)</td>
<td>0.08</td>
<td>0.97</td>
</tr>
<tr>
<td>Perceived Expertise</td>
<td>4.26 (.96)</td>
<td>4.48 (.86)</td>
<td>4.20 (.94)</td>
<td>4.17 (.86)</td>
<td>1.10</td>
<td>0.35</td>
</tr>
<tr>
<td>Jury Decision Scale</td>
<td>5.05 (.81)</td>
<td>4.99 (.76)</td>
<td>4.88 (.75)</td>
<td>5.00 (.65)</td>
<td>0.47</td>
<td>0.71</td>
</tr>
<tr>
<td>Confidence</td>
<td>3.69 (1.41)</td>
<td>4.07 (1.29)</td>
<td>3.94 (1.39)</td>
<td>4.23 (1.55)</td>
<td>1.32</td>
<td>0.27</td>
</tr>
<tr>
<td>N</td>
<td>51</td>
<td>46</td>
<td>49</td>
<td>48</td>
<td>194</td>
<td></td>
</tr>
</tbody>
</table>

**Hypothesis 4**

The results yielded mixed support for the fourth set of hypotheses. These relationships were first explored through Pearson correlations. Hypothesis 4a suggested that perceived trustworthiness of a given witness would predict verdict decisions, such that participants who rated the witness as more trustworthy would be more likely to convict. The results revealed no significant relationship between the variables, $r = .09, n = 190, p = .24$. Hypothesis 4b suggested that perceived expertise of a given witness would predict verdict decisions, such that participants who rated the witness as more knowledgeable would be more likely to convict. The results revealed a moderate, positive correlation between the variables, $r = .18, n = 191, p = .01$.

Multiple regression analysis was used to test whether perceived trustworthiness and expertise of a witness each predicted verdict decisions by the mock jurors. The results indicated that these two factors accounted for 3% of the variance ($R^2 = .03$).
Perceived expertise significantly predicted verdict decisions ($\beta = .16$, $p = .03$), whereas perceived trustworthiness was not a significant predictor ($\beta = -.03$, $p = .70$).

**Hypothesis 5**

As observed earlier, there was no evidence of a relationship between source type and verdict decision. Thus, it was not possible for perceived trustworthiness and expertise to act as mediators in this model, as Hypothesis 5 predicted. However, a series of post hoc analyses were conducted to account for differences in source type label and perceived source type by individuals, given that some participants identified the witness as fulfilling a role other than that of the label or were not sure about the witness type. A chi-square test of independence was performed to establish the relationship between labeled source type and perceived source type. The relationship was significant, $X^2 (9, n = 193) = 33.98$, $p < .001$. Although the label did influence how individuals perceived the source, substantial proportions of participants perceived the witness as something other than the label; for instance, 38% participants in the unidentified condition described the witness’ role as an eyewitness. These proportions are shown in Table 3. Although subjects identified the eyewitness correctly at a high rate (71% accuracy) and with relatively little uncertainty (24%), subjects were notably less accurate (20% each for the expert witness and the police witness) and more uncertain (35% for the eyewitness and 39% for the police witness) regarding witnesses in the other two labeled conditions. It seems that they may have perceived the testifier as an eyewitness by default.
Table 3: Distribution of Sample by Condition (Percentage within Condition)

<table>
<thead>
<tr>
<th>Condition</th>
<th>Eyewitness</th>
<th>Expert witness</th>
<th>Police Witness</th>
<th>Not sure</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eyewitness</td>
<td>36 (71%)</td>
<td>1 (2%)</td>
<td>2 (4%)</td>
<td>12 (24%)</td>
<td>51</td>
</tr>
<tr>
<td>Expert Witness</td>
<td>18 (39%)</td>
<td>9 (20%)</td>
<td>3 (7%)</td>
<td>16 (35%)</td>
<td>46</td>
</tr>
<tr>
<td>Police Witness</td>
<td>12 (24%)</td>
<td>8 (16%)</td>
<td>10 (20%)</td>
<td>19 (39%)</td>
<td>49</td>
</tr>
<tr>
<td>No Label</td>
<td>18 (38%)</td>
<td>4 (9%)</td>
<td>3 (6%)</td>
<td>22 (47%)</td>
<td>47</td>
</tr>
<tr>
<td>Total</td>
<td>84</td>
<td>22</td>
<td>18</td>
<td>69</td>
<td>193</td>
</tr>
</tbody>
</table>

Based on this finding, two one-way ANOVA tests were conducted to determine whether perceived source type influenced perceived trustworthiness and expertise. The results are shown in Table 4. The first ANOVA showed a marginally significant difference in how participants perceived the witness’ trustworthiness across perceived source types, $F(3, 189) = 2.12, p = .10$. The second ANOVA showed a marginally significant difference in how participants perceived the witness’ expertise across perceived source types, $F(3, 190) = 2.50, p = .06$. Moreover, a series of corresponding contrasts revealed a number of significant differences between groups. First, those who perceived the source as an expert witness also perceived this source as more trustworthy ($M = 4.98, SD = .80$) and more knowledgeable ($M = 4.75, SD = .94$) than those who perceived the source as an eyewitness (trust: $M = 4.42, SD = 1.02$; knowledge: $M = 4.19, SD = .96$): for trustworthiness, $t(3, 186) = 2.43, p = .02$; for expertise, $t(3, 187) = 2.65, p = .01$. Secondly, the contrasts revealed that those who perceived the source as an expert perceived the source as more trustworthy and knowledgeable than those who were unsure how to label the source (trust: $M = 4.44, SD = .89$; knowledge: $M = 4.21, SD = .78$): for trustworthiness, $t(3, 186) = 2.28, p =$
For expertise, $t(3, 187) = 2.47, p = .01$. However, no significant differences in jury decisions were found across perceived source type: $F(3, 190) = 1.13, p = .34$.

To summarize, the original model assumed that the label for the video testimony and the perceived source type on the part of the subjects to be one and the same. This series of tests found that when the model is adjusted to include participants’ perceptions of source type, the perceived expert witness is seen as more trustworthy and knowledgeable than the perceived eyewitness or unidentified witness.

Table 4: Mean Values (and Standard Deviations) with ANOVA Values Across Perceived Source Type

<table>
<thead>
<tr>
<th>Perceived Source Type</th>
<th>Eyewitness</th>
<th>Expert Witness</th>
<th>Police Witness</th>
<th>Not Sure</th>
<th>$F$</th>
<th>$p$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perceived Trustworthiness</td>
<td>4.42 (.102)</td>
<td>4.98 (.80)</td>
<td>4.55 (1.15)</td>
<td>4.44 (.89)</td>
<td>2.12</td>
<td>0.10</td>
</tr>
<tr>
<td>Perceived Expertise</td>
<td>4.19 (.96)</td>
<td>4.75 (.94)</td>
<td>4.32 (.99)</td>
<td>4.21 (.78)</td>
<td>2.50</td>
<td>0.06</td>
</tr>
<tr>
<td>Jury Decision Scale</td>
<td>5.07 (.73)</td>
<td>5.05 (.71)</td>
<td>4.94 (.75)</td>
<td>4.86 (.76)</td>
<td>1.13</td>
<td>0.34</td>
</tr>
</tbody>
</table>

**Additional Results**

RQ5 asked what background factors (including race, gender, political affiliation, and trust in police) would predict perceived trustworthiness, expertise, and verdict decisions. A series of multiple regression analyses were conducted to determine which factors, if any, influenced these variables. The first analysis indicated that none of these factors significantly predicted perceived trust ($R^2 = .06$). The second
analysis indicated that none of these factors significantly predicted perceived expertise ($R^2 = .03$).

The third multiple regression analysis included these background factors and perceived trustworthiness and expertise from the original model as predictors of verdict decisions (see Table 5). Collectively, these factors accounted for 20% of the variance ($R^2 = .20$). Political party was found to predict verdict decisions ($\beta = -.18$, $p = .04$), as did gender ($\beta = .46$, $p < .01$), trust in police ($\beta = -.15$, $p = .04$), trust in people in general ($\beta = -.18$, $p = .05$) and perceived expertise ($\beta = .19$, $p = .03$). Specifically, those who were more liberal, identified as female, did not trust the police, did not trust people in general, and found the witness to be knowledgeable were more likely to convict in this case than those who were, respectively, more conservative, identified as male, more trusting of the police, more trusting of people in general, and found the witness to be less knowledgeable. The item involving trust in police went against expectations, though there was no significant zero-order correlation between trust in police and juror decisions: $r = .003$, $p = .97$.

The survey included a number of questions regarding participants’ trust of eyewitnesses, psychologists, police, people in general, and the justice system as a whole. Not surprisingly, some of these items were significantly correlated: specifically, a Pearson’s correlation analysis showed that trust in police positively correlated with trust in eyewitnesses ($r = .21$), trust in psychologists ($r = .29$), and trust in the criminal justice system ($r = .58$). Additional positive correlations were found between trust in eyewitnesses and trust in the criminal justice system ($r = .14$), and
trust of people in general and trust of the criminal justice system ($r = .19$). The results here may indicate that certain individuals are more trusting in general than others, and that their perceptions of this particular case may reflect such underlying generalized trust. This additional variable (capacity to trust) was not included in the original hypotheses, and may help explain juror decisions.

Subjects were also given the opportunity immediately following the video to provide an open ended response in regard to their reaction to the video. Of the 194 participants, 20 (10.3%) indicated the video was ‘interesting.’ An additional 10 (5.2%) indicated a similar reaction, describing it as ‘intriguing,’ ‘shocking,’ ‘surprising,’ ‘provoking,’ or ‘inquisitive.’ Conversely, 38 (19.6%) participants described some level of disengagement with the video, using terms like ‘repetitive,’ ‘confused,’ and ‘rehearsed.’ Additionally, a number indicated some impression of the defendant’s guilt based on the video. Specifically, 10 (5.2%) mentioned clear guilt, 12 (6.2%) indicated that there was not enough evidence to convict, and 13 (6.7%) mentioned some level of uncertainty about the verdict. Although these qualitative data were not the primary focus of the study, they may provide some clarity into how the participants processed the video in answering the survey question.
Table 5: Multiple Regression Analysis for Predicting Verdict Decision

<table>
<thead>
<tr>
<th></th>
<th>B</th>
<th>SE</th>
<th>t</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perceived Trustworthiness</td>
<td>0.01</td>
<td>0.09</td>
<td>0.12</td>
<td>0.9</td>
</tr>
<tr>
<td>Perceived Expertise</td>
<td>0.19</td>
<td>0.09</td>
<td>2.17</td>
<td>0.03*</td>
</tr>
<tr>
<td>Caucasian/White</td>
<td>-0.02</td>
<td>0.23</td>
<td>-0.09</td>
<td>0.93</td>
</tr>
<tr>
<td>Black/African American</td>
<td>0.08</td>
<td>0.25</td>
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<td>0.76</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
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<td>0.29</td>
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<td>0.13</td>
<td>3.59</td>
<td>&lt;.01**</td>
</tr>
<tr>
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<td>-2.09</td>
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<tr>
<td>Trust in people in general</td>
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<td>-1.96</td>
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</table>

F test 2.98**

R² 0.2

Note: Missing race/ethnicity is the excluded category.
Chapter 4
DISCUSSION

This study sought to explore how witness type affects juror perceptions of in-court testimony through its potential influence on perceived expertise and trustworthiness. It also sought to explore how this relationship influenced verdict decisions. The experimental results suggest that there are relationships among these factors, but also that these relationships are substantially more complicated than hypothesized. The first hypothesis posited that jurors would perceive an unlabeled witness as less trustworthy than any of the other type of witnesses (eyewitness, expert witness, police witness). This relationship was not supported. The second hypothesis posited that the expert witness would be perceived as more knowledgeable than the other three types of witnesses. There was marginal evidence that the expert was perceived as more knowledgeable than the unidentified witness, but the results yielded little support for other parts of this hypothesis.

The third hypothesis posited differences in how subjects make verdict decisions depending on source type. The analysis did not support this hypothesis. However, subjects who viewed testimony from an eyewitness were significantly less confident in their decision than those who viewed an unidentified witness. Jurors’ uncertainty about eyewitness testimony has been demonstrated by previous research (see Cutler, Penrod, & Dexter, 1989 and Narby & Cutler, 1994).
The fourth hypothesis posited that both perceived trustworthiness and perceived expertise would predict verdict decisions. The data showed mixed support for this hypothesis: perceived trustworthiness was not a significant predictor of verdict decisions, whereas perceived expertise was. Subjects who found the witness to be more knowledgeable were more likely to convict than those who found the witness to be less knowledgeable.

The fifth hypothesis posited that perceived trustworthiness and expertise would act as mediators between witness type and verdict decisions. Although the evidence for such relationships did not emerge, the results revealed another pattern that suggests a new model. Subjects often perceived the witness as fulfilling a role different from the label provided, and the source label shaped how subjects perceived the witness’ role in the case. Perceived witness type, in turn, may predict perceived trustworthiness and expertise. Specifically, participants perceived the expert witness as significantly more trustworthy and more knowledgeable than both the eyewitness and the unidentified witness.

Thus, including perceived witness type in the model may lead to a clearer representation of jurors’ processing of the testimony. The accompanying label for the video in each of the conditions was evidently not enough to influence perceived trustworthiness or expertise; the missing step was how each participant perceived the testifier. Some followed along with the label, some may have acknowledged the label but perceived the witness differently following the actual testimony, and some may have ignored or missed the label entirely. Such perceptions, in turn, may carry
implications for how trustworthy and knowledgeable subjects believed the witness to be.

Finally, a number of background factors were linked to juror decisions. In particular, women and liberals were more likely to convict than men and conservatives. Additionally, those who were less trusting of police and less trusting of people in general were more likely to convict than those who were more trusting of police and people in general. The finding regarding trust in police seems counterintuitive on the surface: why would subjects who believe the police cannot be trusted convict a defendant whose arrest was perpetrated by the police? The inclusion of the item measuring trust in people in general in the model may provide some clarity. It could be that verdict decisions reflect not merely trust in individual actors or institutions (e.g., police, eyewitnesses, expert police, the criminal justice system), but a larger capacity to trust. Indeed, trust in police and trust in people were positively related to one another. In other words, perhaps some people tend to not trust anyone, whether it be the police or the suspect, and thus may be inclined to support conviction. There is certainly room for future research to explore capacity to trust as a background factor among jurors. Exploring individual-based trust factors among jurors could potentially contribute to the jury selection process. It may also be worthwhile to test whether trust in police interacts with witness type to shape juror perceptions, particularly in the case of police witnesses.
4.1 Theoretical and Practical Implications

This study builds on the Elaboration Likelihood Model to explain why subjects would rely on heuristic cues such as witness type to guide their verdict decision making. In the case at hand, these cues may be more salient given participants’ low personal involvement and likely low motivation for evaluating the message content, both of which are key factors in the ELM (Petty & Cacioppo, 1981). Personal involvement is low here as this is a hypothetical case involving total strangers and a short time commitment. Low motivation also seems to be a factor, as some of the qualitative data suggest disinterest or boredom with the testimony. Given all of this, it is reasonable to assume that most subjects took the peripheral route of elaboration. Accordingly, one would expect them to look at source credibility (in the form of trustworthiness and expertise), appearance, and vocal cues to guide their decisions regarding the testimony and the case (Petty & Cacioppo, 1981). The latter two were held constant, as the video used was exactly the same across conditions. With only source credibility to use as a guide for verdict decisions, how each participant perceived the witness evidently shaped how they viewed the case as a whole.

Here, credibility was experimentally manipulated through a label and corresponding story prior to a small splice of testimony. This proved insufficient for some subjects, as a substantial proportion identified the testifier’s role as something other than the label. In particular, many subjects in both the expert witness condition and the police witness condition perceived the testifier as an eyewitness instead. Although this phenomenon may have limited the effectiveness of the manipulation, it
does justify the seemingly repetitive process in the courtroom when it comes to identifying witnesses. Police witnesses called to the stand will probably spend the first few minutes of their testimony explaining the nature of their careers in law enforcement, their various assignments and responsibilities, and their history as officers of the law. Similarly, expert witnesses will be subject to a thorough vetting process on the stand where they will be asked about their education, area of expertise, career background, and tests performed. Additionally, after this process (which can take a long time, depending on the witness), the testifier must be officially submitted by one of the attorneys as an “expert,” a designation which is subject to objection by the opposing attorney or the judge. Each of these extended processes seem to be redundant: aren’t jurors capable of differentiating witnesses just based on how they are introduced to the court? The results of this experiment suggest that is not the case. A witness’ credibility may be established through this process.

The results also suggest that such perceived credibility is important to juror decisions, as many other studies have shown (see Baskins & Sommers, 2010; Chaemsaitthong, 2012; Cooper, Bennett, & Sukel, 1996; Cooper & Neuhaus, 2000; Cutler, Penrod, & Dexter, 1989; Dvoskin & Guy, 2008; Ivkovic & Hans, 2003; McKimmie et. al, 2004; McKimme et. al, 2012; Parrott et. al, 2015; Steele, 1999; Vidmar, 2005). What this study adds to the existing literature is evidence that jurors may evaluate credibility (in terms of trustworthiness and expertise) differently based on how they perceive the witness. The theoretical implications for these findings hearken back to the model proposed prior to the study. The results support the premise
that trustworthiness and expertise are the major pillars of credibility, as originally hypothesized by Hovland & Weiss (1953). Trust, in particular, seems to require further study, given that the results suggest the capacity to trust (at an individual level) may be a contributing factor to broader perceptions of trustworthiness.

The results carry practical implications as well. As previously discussed, they support the thorough process of witness identification. These results also suggest that expert witnesses may be key for many cases in a court of law, given that such witnesses performed best in terms of credibility when compared to the other types. The demographic results suggest that gender and political party may be important factors to note when selecting a jury, although this will undoubtedly vary from case to case. From an applied research standpoint, the results reinforce the idea that video testimony may be useful for studying effects on mock jurors (Miller et. al, 1974). In addition, the results validate a methodological framework comparing witness types while controlling for other factors; such an approach could be useful for trial consultants and other legal scholars.

4.2 Limitations and Directions for Future Research

There are a number of limitations to this study. First and foremost, the methodology does not fully reflect the effects of testimony in a court case. Subjects were being exposed to a splice of hypothetical testimony via video and then asked questions about the entire case. While the testimony was certified by an attorney to sound relatively realistic and the testifier was qualified to portray all three types of
witnesses, the treatments cannot fully capture the experience of viewing testimony of an actual trial. Future iterations of this type of research should strive to conduct full mock-trials, when possible. A full mock trial would allow for an integration of the story model, and overall would yield more nuanced, realistic data. From this, a better understanding of these differences between witnesses could be reached. Of course, mock trials introduce many new issues: financial cost, time, difficulty in recruitment of subjects, and loss of experimental control are chief among them. But they are nonetheless a methodology to strive for.

Second, the sample was relatively homogenous in terms of age (given that all participants were college undergraduates), race, and education. Real world jurors will obviously reflect the community in which a case takes place and will, in most cases, vary greatly along these three factors. Third, it seems that the experiment was not sufficiently immersive as a number of subjects reported boredom and confusion following the video testimony. This again relates to the importance of running full mock trials for such research. Finally, given that this study chose to use a hypothetical criminal case rather than a civil case, some of the effects probably would not apply to the latter. Previous research has suggested that there are similarities across criminal and civil trials, particularly in how expert witnesses are used (Ivkovic & Hans, 2003; Wiener & Bornstein, 2011); thus it would certainly be worthwhile to perform a similar experiment utilizing a civil case instead. Credibility research should continue to examine source type as a heuristic cue across fields; specifically in communication
and the law research, witness type and variables can be further manipulated. There may be additional effects found across more nuanced witness types.

4.3 Final Reflections

All in all, the Elaboration Likelihood Model carries potential as a framework for this kind of research. Participants had little to go on in terms of content, yet differed in their evaluations of the witness based merely on what kind of role they perceived the witness to fulfill. This outcome suggests they employed peripheral route of processing to evaluate testimony. In a more realistic setting, where jurors hear more testimony and from a variety of sources, they probably employ the central route of processing to greater extent (Stiff, 1986). Yet even this can be largely dependent on motivation and ability to process the information (Petty & Cacioppo, 1986). Given the occasional monotony and repetitive nature of in-court testimony, some jurors are likely to be bored, as a number of the participants were; this may lead to the peripheral route of processing. Furthermore, there will be jurors who do not have a partial college education as the subjects here did. These jurors may be less able to process testimony through the central route (Petty & Cacioppo, 1986); specifically, they may be unable to do so for more complex testimony from experts. Accordingly, the Elaboration Likelihood Model should be employed further in jury research.

This particular study sought to show that a mere label for a testifier can influence how jurors perceive a case. Although it did not do so as coherently as hypothesized, it did show that such labels are important for perceiving the witnesses
identity, which in turn is an influential factor in verdict decisions. Witness type does matter, but the relationship is complex and certainly is worthy of further study.

Research such as this should not be designed to ‘game’ the system of justice. While the adversarial system inherently involves competition and attempts to gain an edge, this type of research should be readily available to both sides. While the larger corporations typically have the money to pay for this kind of study prior to their own cases, even the perpetually under-funded public defenders should be privy to this knowledge. The United States has a major problem with wrongful conviction and acquittal, and this research is part of the path to minimizing such cases. It is through the collaboration between scholars, attorneys, judges, and the government that this research can be applied to such ends. Scholars have a responsibility to continue this type of research and to communicate the results effectively to active members of the legal community. Doing so may help to prevent cases such as that of Kennedy Brewer, a man who spent thirteen years in prison (seven on death row) for a murder he did not commit. He was convicted in large part due to testimony from an expert witness, whose credibility was later shown to be extremely questionable. The Innocence Project was able to exonerate Mr. Brewer and aid investigators in finding the real perpetrator (who confessed and admitted he had acted alone). It is the goal of this research and similar research to prevent such cases from happening in the first place.
REFERENCES


Appendix A

TREATMENT TEXT

Please read the following summary of a criminal case.
A man has been charged with murder following the death of a coworker and is standing trial. Imagine that you are a member of the jury. Investigators have been unable to find any hard evidence (no DNA or weapon) to link the suspect to the crime, he has an unconfirmed alibi, and his motive is unclear. However, the defense has not produced any evidence to exonerate the suspect either: his mental state has been questioned, they cannot confirm his alibi, and his story includes a few minor inconsistencies. The following video is a portion of the testimony from a witness called by the prosecution.

Eyewitness Block

Eyewitness
Please read the following and make sure your speakers are on before watching the video.
This witness was driving his cab, and the defendant hailed him after the alleged incident occurred. He drove him for about 15 minutes to his place of residence. The two had a conversation during the ride.

Expert Witness Block

Expert Witness Psychologist
Please read the following and make sure your speakers are on before watching the video.
This witness had a brief meeting with the suspect shortly after the alleged incident occurred. The two spoke for about 15 minutes, with the understanding that patient confidentiality was not in effect, given that this was not a private appointment and the suspect was not a client of his.

Police Witness Block

Police Witness
Please read the following and make sure your speakers are on before watching the video.
This witness spoke with the suspect shortly after the police investigation began, while they were questioning the victim’s coworkers. The two spoke for about 15 minutes with the understanding that the suspect was not under oath or a suspect at the time.
Unidentified Witness Block

Please make sure your speakers are on before watching the video.
Appendix B

TRANSCRIPT OF TESTIMONY

Attorney (off-screen): Do you remember speaking with the defendant on the day of the alleged crime?

Witness: Yes I do.

A: In your conversation with the defendant, how would you describe his demeanor?

W: I remember he seemed kind of tense, on-edge.

A: Can you explain why you would describe him in this way?

W: He spoke very little, he was wringing his hands and cracking his knuckles. He seemed to be quite sweaty, his face was flushed. He wasn’t exactly shaking, but he definitely was moving anxiously.

A: Did his behavior make you concerned for your own safety?

W: Not exactly. He didn’t say anything overtly threatening to me, but he definitely made me feel uncomfortable.

A: What made you feel that way?

W: He was angry and nervous before we even started speaking. When I asked him something, it didn’t seem to escalate the tension, he just seemed to stay upset. He seemed somewhat agitated overall.

A: Why would you describe him as agitated?
W: He wasn’t very calm at the time. I can’t speak to his personality as a whole from our limited interaction, but in this instance, he seemed out of breath and distracted. A number of times he spoke, and just seemed to abruptly stop his sentence in the middle.

A: Was there anything else you specifically noticed about his behavior in your interaction with him?

W: It felt like our interaction was at a fever pitch. Again, I didn’t necessarily feel like I was in immediate danger, but it seemed that the situation could escalate at any time.

A: Why were you feeling this way?

W: As I said, he just seemed very on-edge from the outset of our conversation. He was somewhat aloof, like he really didn’t want to talk to me. He never really looked at me, his eyes were wandering all over the place and his fists were clenched.

A: But you didn’t feel as though you were in danger?

W: No, not really. His anxiety and anger didn’t seem like it was directed at me, personally.

A: How long did you speak with the defendant?

W: I think it was probably about 15 minutes, maybe 20.

A: How were you feeling after this conversation was over?

W: Somewhat relieved, but also a little concerned I guess.

A: What were you concerned about?

W: I’m not sure, I wasn’t concerned for my own safety, but his behavior was noticeably unusual and made me think something bad had just happened or was about to happen.
A: Did you notice any other behavior that made you concerned about his participation in the crime he is charged with?

W: No, it’s not as if he was covered in blood or had a weapon on him or anything like that. I felt uncomfortable just based on his emotional state and behavior toward me...But I didn’t feel as though there was any immediate threat to me.
Appendix C

QUESTIONNAIRE

Verdict Decisions
In the space below, please describe your reaction to the video you just watched.

How would you evaluate the influence of this testimony on your decision regarding the verdict?
- It would make me much more likely to convict.
- It would make me slightly more likely to convict.
- It would not influence my decision.
- It would make me slightly more likely to acquit.
- It would make me much more likely to acquit.

Based on the information you were provided, if you were asked to cast a vote on the verdict of this trial, what would you choose?
- Definitely vote guilty
- Probably vote guilty
- Lean toward voting guilty
- Lean toward voting not guilty
- Probably vote not guilty
- Definitely vote not guilty

How would you rate your confidence in that vote?
Very confident ■ ■ ■ ■ ■ ■ ■ ■ Not Confident at all

Trustworthiness/Expertise
Please rate the witness you saw in the video on the following scales:

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<thead>
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<th>Scale</th>
<th>Confident</th>
<th>Not Confident</th>
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</thead>
<tbody>
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<td>■ ■ ■ ■ ■</td>
<td>■ ■ ■ ■ ■■■■■</td>
</tr>
<tr>
<td>Untrustworthy</td>
<td>■ ■ ■ ■</td>
<td>■ ■ ■ ■ ■■■■■</td>
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<tr>
<td>Unskilled</td>
<td>■ ■ ■ ■ ■</td>
<td>■ ■ ■ ■ ■■■■■</td>
</tr>
<tr>
<td>Expert</td>
<td>■ ■ ■ ■ ■</td>
<td>■ ■ ■ ■ ■■■■■</td>
</tr>
<tr>
<td>Dishonest</td>
<td>■ ■ ■ ■ ■</td>
<td>■ ■ ■ ■ ■■■■■</td>
</tr>
<tr>
<td>Sincere</td>
<td>■ ■ ■ ■ ■</td>
<td>■ ■ ■ ■ ■■■■■</td>
</tr>
<tr>
<td>Reliable</td>
<td>■ ■ ■ ■ ■</td>
<td>■ ■ ■ ■ ■■■■■</td>
</tr>
<tr>
<td>Not knowledgeable</td>
<td>■ ■ ■ ■</td>
<td>■ ■ ■ ■ ■■■■■</td>
</tr>
<tr>
<td>Experienced</td>
<td>■ ■ ■ ■</td>
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</tr>
<tr>
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<td>■ ■ ■ ■ ■■■■■</td>
</tr>
<tr>
<td>Trustworthy</td>
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<td>■ ■ ■ ■ ■■■■■</td>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
<td>Inexperienced</td>
<td>■ ■ ■ ■</td>
<td>■ ■ ■ ■ ■■■■■</td>
</tr>
</tbody>
</table>
Suspect Questions
How suspicious do you think the suspect is in this case?
Very suspicious  ■ ■ ■ ■ ■ ■ ■ ■ Not suspicious at all

How emotionally stable do you think the suspect is in this case?
Very stable ■ ■ ■ ■ ■ ■ ■ ■ Very unstable

How violent do you think the suspect is in this case?
Very violent ■ ■ ■ ■ ■ ■ ■ ■ Not violent at all

Perceived Realism
How would you describe the witness's role in the courtroom?
- Eyewitness
- Expert witness
- Police Witness
- Not sure

How realistic do you think this case was?
Not realistic at all ■ ■ ■ ■ ■ ■ ■ ■ Very realistic

How realistic do you think this portion of testimony was?
Not realistic at all ■ ■ ■ ■ ■ ■ ■ ■ Very realistic

Receiver Characteristics
How would you describe your trust in each of the following?

<table>
<thead>
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<th></th>
<th>Don't Trust at all</th>
<th>Rarely Trust</th>
<th>Sometimes Trust</th>
<th>Mostly Trust</th>
<th>Always Trust</th>
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<td>People in general</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>The American Criminal Justice system</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
What is your race or ethnicity? Check all that apply.
  ▪ White/Caucasian
  ▪ Black/African-American
  ▪ Asian/Pacific Islander
  ▪ Hispanic
  ▪ Native American
  ▪ Other

What is your gender?
  ▪ Male
  ▪ Female
  ▪ Other (specify in the space below)

What is your political affiliation?
  ▪ Republican
  ▪ Democrat
  ▪ Independent
  ▪ Other

Are you a communication major?
  ▪ Yes
  ▪ No
Appendix D

IRB EXEMPTION LETTER

DATE: November 16, 2015

TO: Clint Townson, BA
FROM: University of Delaware IRB

STUDY TITLE: [833132-1] Potential Juror Perceptions of Video Testimony

SUBMISSION TYPE: New Project

ACTION: DETERMINATION OF EXEMPT STATUS

DECISION DATE: November 16, 2015

REVIEW CATEGORY: Exemption category # (2)

Thank you for your submission of New Project materials for this research study. The University of Delaware IRB has determined this project is EXEMPT FROM IRB REVIEW according to federal regulations.

We will put a copy of this correspondence on file in our office. Please remember to notify us if you make any substantial changes to the project.

If you have any questions, please contact Nicole Farnese-McFarlane at (302) 831-1119 or nicolefm@udel.edu. Please include your study title and reference number in all correspondence with this office.