PERCEPTIONS OF WITNESS CREDIBILITY AS A FUNCTION OF WITNESS AGE, SPEECH STYLE, AND QUESTION FORM

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Abstract

This experiment with 276 participants examined the effects that witness age (6, 10, or 22 years), witness speech style (powerful versus powerless), and prosecuting attorney's questioning style (open- versus close-ended) have on perceived witness credibility in a transcribed mock trial. Among other effects, a significant age by speech style interaction, \( F (2, 264) = 6.46, p < .002 \), revealed that speaking in a powerless manner was significantly more harmful to the adult witness' credibility than it was to the child witnesses' credibility. Also as predicted, question form only had an effect on ratings of the 6 year old's credibility, \( F (2, 264) = 5.58, p < .005 \). These results can be explained by expectancy theory (Burgoon, 1990), a subset of attribution theory. This study has implications for our understanding of jury decision making and for improving jurors' ability to discern witness accuracy.

Research on child witness credibility has become a more piercing issue in the past decade due to the increasing number of children involved in the criminal justice system. Survey research shows that children are viewed as being more suggestible and less accurate in their memory reports than adults. Experimental work examining jurors' perceptions of child witnesses has resulted in mixed outcomes, in part because age was found to interact with other manipulated variables. The present experiment was designed to examine the effects the age of the witness, the speech style of the witness, and the form of the question posed by the prosecuting attorney have on witness credibility and trial outcome.

One set of factors that may have an effect on a child witness’ perceived credibility are language variables available to jurors through verbal examinations of witnesses by court officials. The speech style of witnesses and the speech style of attorneys probably affect perceptions of witness credibility. The two speech styles manipulated in the present study were powerless speech, which includes verbal hesitations (e.g., "um", "well"), verbal hedges (e.g., "I think", "kind of"), and false starts (e.g., "I ... I saw ... I heard"), and powerful speech which does not contain any of these features. The attorney language variable manipulated was question form used by the prosecuting attorney: open-ended questions (e.g., "What happened when the man entered the store?") and closed-ended questions (e.g., "Was the man holding a gun when he entered the store?").

Another factor that may affect perceived credibility is age-related stereotypes. In general, adults have a negative view of young children’s cognitive capabilities. Furthermore, adults are inclined to believe that children are easily influenced by the questioning of attorneys and law enforcement officials.

Attribution theory allows one to predict the ways that witness speech style, attorney questioning style, and witness age affect jurors’ perceptions of witness credibility. Attribution theory suggests that behavior that is atypical will have the biggest impact on others' evaluations. This phenomenon is known as the contrast effect.

Expectancy theory (Burgoon, 1990) is a subset of attribution theory that explains the impact of language expectancies on persuasive messages. According to expectancy theory, if an individual is expected to perform below the norm of what is appropriate for a situation and instead conforms to the norm, he/she will be viewed as highly credible. Alternatively, if a person is expected to perform at the norm of what is appropriate and instead performs below the norm he/she will be viewed as not credible.

Expectations might vary by age. For example, a child who testifies in a fragmented or powerless style will most likely fit jurors' preconceived notions of child witnesses, so a powerless speech style should not have a negative effect on the child’s perceived credibility. An adult who testifies in a fragmented or powerless manner may be viewed as extremely low in credibility because such speech contrasts with what is expected of a competent adult. On the other hand, the young child who gives testimony in a narrative or powerful style will be seen as atypical and thus will be viewed as extremely credible. In contrast, an adult testifying in the same way will most likely fit jurors' preconceived conception of an adult witness and be seen as cognitively competent and thus credible.

Expectancy theory also suggests predictions about attorney questioning style. Through exposure to televised court proceedings, people may realize that closed-ended questioning is normative behavior in a courtroom. Therefore, what may appear to be unexpected language behavior is for an attorney to ask open-ended questions of a 6-year-old witness and then to have that witness answer in a narrative style. That child is performing above what is expected of him/her and, therefore, may be seen as quite credible. Question form should not have a significant effect on perceived credibility of an adult witness and a 10-year-old witness because both open- and closed-ended questions fall within the expected normative
behavior of an attorney when questioning these witnesses. Finally, the 6-year-old witness who is asked closed-ended questions should, according to the preceding argument, not be seen as less credible than any other witness except for the 6-year-old who is asked open-ended questions.

Method

Design
This experiment utilized a 3 (eyewitness age: 6, 10, or 22 years) x 2 (open- or closed-ended questions) x 2 (powerful or powerless speech) between subjects design. There were multiple dependent measures.

Participants
276 students from a southeastern state university received extra course credit for participating in the experiment.

Materials
The stimulus materials consisted of written court transcripts involving a robbery/murder trial which were modified from Leippe and Romanczyk's (1989) experiment. The sole eyewitness to this crime was Willie Saunders (WS), described throughout the transcript as either 6, 10, or 22 years old. WS spoke in either a powerful or powerless way and was questioned by the prosecuting attorney in either an open- or closed-ended manner. WS was also cross-examined by a defense attorney whose questions remained constant across all conditions. These transcripts also included the testimony of others involved in the case. Their speech also contained some powerless features and they were asked both open- and closed-ended questions. Finally, the transcripts contained jury instructions that included a general description of the case and the law governing it.

A psychometrically sound measure of perceived credibility of the witness was developed to tap two dimensions of credibility: trustworthiness and cognitive competence. Responses were made using a seven-point Likert scale.

Procedure
Participants were randomly assigned to one of the 12 experimental conditions. First they read the trial transcripts in their entirety and then completed a questionnaire regarding guilt, length of sentence, and the credibility of the three witnesses and the defendant. There were 4 possible random orders for the presentations of the DV’s. Participants were then tested on their memory for the transcripts and provided demographic information.

Selected Results
Main effects were qualified by significant interactions. As predicted, there was a significant interaction of age and speech style on credibility ratings, $F(2, 264) = 6.46, p < .002$, that revealed that speaking in a powerless manner was significantly more harmful to the adult witness’ credibility than it was to the child witnesses’ credibility. This result can be explained by expectancy theory and what may be called a negative contrast effect. The adult witness who spoke in a powerless manner failed to conform to expected language norms by performing below the norm. Therefore, the adult was viewed in a negative light. According to expectancy theory, a child witness speaking in a powerless manner should not be seen as lacking credibility because powerless speech falls in the range of appropriate language behaviors for young children.

Also, as predicted, there was a significant interactive effect of age and question form on credibility, $F(2, 264) = 5.58, p < .005$, that revealed that question form only had an effect on the 6 year old’s credibility. Question form also appears to have resulted in the contrast effect in that the 6-year-old witness who was asked open-ended questions was viewed as being significantly more credible than all other witnesses except for the 10-year-old witness who was asked closed-ended questions. However, when closed-ended questioning was used, there was no significant difference in the credibility ratings of the 3 witnesses.

Discussion
The results of this study indicate that jurors do not rely solely on the age of a witness as an indicator of witness credibility and that research in the area of children’s testimony should focus on what variables are especially harmful or helpful to a child witness’ credibility. In light of the current study, it appears that prosecutors can increase the credibility of their own child witnesses by asking many open-ended questions and that they will not have a negative effect on the child’s credibility if they use nonleading closed-ended questions. The results also suggest that speaking in a powerful manner can increase the credibility of witnesses of any age, but past research suggests that coaching a child to speak in a powerful manner may backfire. Therefore, when parents and attorneys are deciding whether to put a particular child witness on the stand they should consider the individual child and determine whether he/she can testify in a manner that is likely to lead to jurors’ perceptions of credibility.

References