Probative or prejudicial: Biasing effects of background information in police body-worn video evidence on mock-juror decisions in victim-depressed domestic abuse cases

Carly Smith [1], Josh P Davis [1], and Andrew Roberts [2]

[1] Department of Psychology, Social Work and Counselling, University of Greenwich, London, UK

[2] Melbourne Law School, The University of Melbourne, Australia

Correspondence to Dr Josh P Davis, Reader in Applied Psychology, School of Human Sciences, University of Greenwich, London; j.p.davis@gre.ac.uk; +44(0)208 331 8859

Keywords: Body worn camera; body worn video; domestic abuse; intimate partner violence; trial; juror decision-making

Abstract

Body-worn videos enable evidence including complainants' statements filmed at the scene of residential incidents to be presented in court to a jury. Such footage might capture information that is not relevant to the issues in dispute, but which might prejudicially influence juries' fact-finding processes. The aim of the current research was to examine whether low-key changes to background information might bias juror decision-making. Employing a mock juror decision-making design, participants (n = 1,108) were randomly exposed to one of four videos, or audio recordings only, depicting a female actor-complainant providing statements of alleged domestic abuse. Videos depicted toddler's toys, games and sports equipment, a bookcase, or no additional furniture. The defendant's mitigating statement referred to the complainant as depressed or of low mood. The defendant was found guilty by 89.9% of participants. When the complainant was described as depressed, guilty verdict rates were significantly higher when participants heard audio only statements than when they watched footage. When videos displayed games and sports equipment, guilty verdict rates were significantly lower than when toddler's toys, a bookcase, or no additional furniture were depicted. Participants also completed scales measuring attitudes towards domestic violence and mental illness. Pre-existing attitudes towards blaming domestic abuse victims mitigated defendant guilt attributions. Higher perpetrator or situational blame aggravated blame. In summary, case-irrelevant background residential information implying different family relationships can influence juror verdicts, demonstrating a risk to trial fairness from extra-legal information presentation. It is important that courts worldwide are aware of this risk.

Introduction

Body-worn videos (BWV) are becoming standard issue to police and other public sector professionals worldwide (e.g., Coudert, Butin, & Le Métayer, 2015, International Association of Chiefs of Police, 2014). Initial deployment was designed to increase police accountability following complaints associated with highly-publicised publicly filmed incidents (e.g., Grossmith, Owens, Finn, Mann, Davies, & Baika, 2015; Nowacki & Willits, 2018). Public and police support for BWV deployment is high (e.g. Maskaly, Donner, Jennings, Ariel & Sutherland, 2017), as BWVs may deter crime (e.g. Cubitt, Lesic, Myers, & Corry, 2017), as well as reduce complaints against, and assaults on officers (Ariel, Farrar, & Sutherland, 2015; Jennings, Lynch, & Fridell, 2015). Availability of recordings also increases suspect arrest and charging rates (Owens, Mann, & McKenna, 2014), although little research has evaluated BWV footage effectiveness at resolving of criminal investigations (for reviews see Lum, Stoltz, Koper, & Scherer, 2019; Maskaly et al., 2017; White, 2014).

Where a crime is committed, BWV recordings will constitute cogent evidence that could be viewed by a jury in criminal trials. Availability of footage increases guilty pleas and/or verdicts in intimate partner violence criminal trials (Morrow, Katz, & Choate, 2016). Use of BWV after such crimes will likely increase. Domestic violence, one of the most common crimes in the UK, also suffers from some of the highest attrition rates. Of 599,549 reported cases, only 77,725 were prosecuted in 2017-2018 (Office for National Statistics (ONS), 2018). Almost half (49%) of the ‘not prosecuted’ cases were because complainants were unwilling to support police investigations. The use of BWVs to record initial complainant statements when police are called to incidents shortly after they occur, and when complainants are often most willing to assist (Owens et al., 2014), may be effective at addressing this problem (Her Majesty’s Inspectorate of Constabulary and Fire and Rescue

Services, 2017). Indeed, the law in England and Wales permits a complainant's first account, recorded at the scene using BWV, to be played to the jury as evidence-in-chief. This enables so-called 'victimless' or 'unsupported' prosecutions to proceed in the absence of the complainant (College of Policing, 2014; see e.g. *DPP v Young*, 2018; *DPP v Morgan*, 2016; *Barnaby v DPP*, 2015).

BWV footage used to record witness statements in residential premises in the immediate aftermath of domestic violence incidents might however capture information that is not relevant to the matters being investigated. This information may enable those who see it to draw inferences about the occupants' personality and lifestyle. Indeed, witnesses may be filmed in heightened emotional states (e.g. angry, distressed, or fearful) and bearing recently inflicted injuries. Research in other contexts suggests that emotionally charged photo or video presentation sometimes biases factfinders' decision-making (e.g., Bandes & Salerno, 2014; Bright & Goodman-Delahunty, 2006; Douglas, Lyon, & Ogloff, 1997; Ellison & Munro, 2014; Moll et al., 2002; although see Nemeth, 2002; Ross, Hopkins, Hanson, Lindsay, Hazen, & Eslinger, 1994 for alternative findings) and, even if legally irrelevant, guilt attributions (e.g. Granot, Balcetis, Feigenson, & Tyler, 2018). In contrast, where evidence is given in more traditional ways – through a witness's testimony or written statement – the jury will not have access to such information. Attempts to adduce would lead to exclusion either because it fails to meet the requirement of relevance, or because it would fail to satisfy the conditions of admissibility that govern the reception of character evidence.

No research has evaluated BWV evidence in this context, and it is important that policymakers are informed by empirical research where new methods of collecting evidence might give rise to an increased risk of miscarriage of justice. Employing a juror-decision making paradigm (for a review see Devine, Clayton, Dunford, Seying, & Pryce, 2001), the current research was therefore the first to measure the impact of varying case-irrelevant

background residential information that might be captured by a BWV. Participant-juror decisions using this design often match those of real trials (Bornstein, 1999). If legally irrelevant and seemingly innocuous case characteristics driving attributions about a complainant's lifestyle are found to influence guilty verdicts, this is a problem, as guilt and innocence should be based on legally relevant facts.

Heider's (1958) Attribution Theory provides a framework to explain how BWV evidence may drive juror decision-making. Individuals draw from environmental cues (i.e. evidence in court) and past personal experiences or stereotypical beliefs to attribute causation to a specific behaviour observed in another. The pivotal concept is *intentionality*, in that when a purposeful motive explains the behaviour*, dispositional* attributions follow. Weiner (1986, 1995) expanded this concept in terms of responsibility and blame, by incorporating the influence of *situational* attributions, or alternative causal circumstances driving the behaviour. Situational attributions may mitigate responsibility and blame for the behaviour, while *dispositional* attributions may aggravate responsibility. In a domestic violence case, juror blame could therefore be influenced by the dispositions of the complainant or defendant, or by case-irrelevant situational factors recorded by BWV.

To vary situational factors in the current research, the background furniture and paraphernalia in BWV-filmed complainant interviews was altered in different conditions in order to generate different stereotypical attributions about the lifestyles and the relationships of the likely inhabitants (i.e. toddler's toys were depicted to imply presence of a child). Family structure information impacts judgements in real cases. Dinovitzer and Dawson (2006) found that in a survey of 474 domestic abuse cases, sentence lengths were longer if a defendant was known to be a father, than if no such information was provided.

Lawyers often construct a defence based on mitigating factors to rationalise the defendant's behaviour (Titchener, 2018). In a defence mitigating statement therefore,

dispositional factors were varied by providing information to participants that described the complainant as suffering from a diagnosed mental health disorder or being 'of low mood'. Remorse lessens punitive action (Bornstein, Rung, & Miller, 2002), while defendant mental illness can mitigate culpability impressions (e.g. Whittemore, & Ogloff, 1995). Conversely, victim mental health is a predictor and a consequence of domestic abuse (Foster, 2018). The aim was to evaluate whether the complainant's described irrational behaviour due to diagnosed mental health might reduce defendant guilt attributions.

If a complainant prefers, police may obscure the BWV lens to prevent identity disclosure (College of Policing, 2018). Legal reviewers (i.e. Crown Prosecution Service) believing BWV evidence contains background information prejudicial to a case might also conclude that jurors should not view the visual aspects of a recording. Indeed, BWV footage intimating that children may be embroiled in domestic abuse during criminal proceedings, may, if perceived to have disproportionately affected defendant culpability judgements, instigate appeals, particularly if such information is circumstantial to the case (see *Lincolnshire Council v G and L*, 2014). Therefore, to examine impact on judgments, approximately half the participants only heard the extracted BWV footage audio track. Harsher defendant judgments transpire if witnesses are viewed in court, rather than if concealed from view (Ellison & Munro, 2014), suggesting that guilty verdict likelihood might be reduced if jurors heard audio BWV witness statements only. However, no previous research appears to have directly investigated this.

Pre-existing stereotypical attitudes towards crimes, victims, and perpetrators can also bias juror decision-making, particularly in cases where evidence is ambiguous and based on one person's word against another (see for instance the rape myth literature, e.g., Bohner, Eyssel, Pina, Viki, & Siebler, 2009; Burt, 1980). When assessing experimental manipulations, it is important to evaluate whether any effects found are partly driven by such

opinions. Indeed, societal norms can act to rationalise domestic abuse in circumstances where violence is viewed as a socially acceptable response (Waltermaurer, 2012). Therefore, all participants completed scales measuring attitudes toward the causes of domestic abuse (*Domestic Abuse Blame Scale:* DVBS; Petretic-Jackson, Sandberg, & Jackson, 1994), and towards depression (*Day's Mental Illness Stigma Scale:* DMISS; Day, Edgren, & Eshleman, 2007). The latter was included to determine whether the potential mitigating effects of mental illness introduced by the defence might also be influenced by pre-existing beliefs.

In summary, the current study was the first to investigate whether background extra-legal residential information captured on police BWV footage in domestic violence cases carries a risk of biasing juror decision-making. The alternative backgrounds in each condition were designed to be of low salience. The aim was to demonstrate that if minor differences in information depicted in a home typical of most young adults could impact verdicts, more dramatic emotionally-charged footage would likely have a far stronger influence. Consistent with past research, it was hypothesised that in comparison to audio-only conditions, video modes of presentation would induce harsher juror judgments towards defendants, operationalised by higher guilty verdict rates and longer recommended prison sentences. Attributions of defendant fatherhood, in particular from viewing toddler's toys, were also expected to induce harsher judgements. In contrast, mitigating information of complainant mental illness was expected to lower defendant guilt attributions, particularly in participants exhibiting high negative attitudes towards mental illness on the DMISS (Day et al., 2007). Finally, the DVBS (Petretic-Jackson et al., 1994) measures blame for domestic abuse associated with the victim, the perpetrator, society, and the situation. Defendant guilt attributions were expected to be lower in participants endorsing more negative views towards victims and more positive views towards the other factors, particularly if the complainant was described as suffering from mental health problems.

Method

Participants

Online advertisements describing the research as evaluating jury decision making in a case of domestic violence were placed by the first author on social media websites (e.g., Facebook). This elicited voluntary online contributions from an opportunity and snowballed sample of participants (inclusion criteria = 18-75 years, UK jury eligible; see Gov.uk, 2017 for full eligibility criteria). In total, 1,318 participants started the research. However, 209 dropped out before completing the attributional scales and were excluded. Final participants were mainly female, white, and over 35 years of age (n = 1,108, female = 962 (86.8%), male = 139 (12.5%), undisclosed = 7; aged 25-34 = 230 (20.8%), 35-44 = 263 (23.7%), 45-54 = 295 (26.6%), 55-64 = 185 (16.7%); White-Caucasian = 1,005 (90.8%); married = 487 (44.0%), long-term relationship = 271 (24.5%), single = 181 (16.4%), divorced = 91 (8.2%), separated = 47 (4.2%), other relationship or undisclosed = 31 (2.8%).

Additional participants recruited in the same manner as the main experiment (n = 218, mean age = 36.1 years (SD = 12.5); male = 91, female = 124; White-Caucasian = 180, other = 38) contributed to the condition manipulation check.

Design

A 2 (*presentation mode*: video, audio) x 4 (*context*: toddler's toys, sports and games, bookcase, control) x 2 (*complainant mental health*: depression, no depression) independent-measures design examined the impact of extra-legal information captured in BVC footage on

juror decision-making in a hypothetical case of intimate partner violence. The primary dependent variable was *verdict* (guilty, not guilty), with recommended *prison sentence length* also evaluated (0–300 months). A correlational element assessed the relationship between the dependent variables and attitudes towards domestic abuse (*Domestic Abuse Blame Scale*: DVBS; Petretic-Jackson et al., 1994) and depression (*Day's Mental Illness Stigma Scale*: DMISS; Day et al., 2007).

Materials

Police BWV-interviews: The first author played the part of a female police officer wearing a BWV on her chest who is heard but never seen. The video depicts her arriving at a front door and making her way into a residence following a report of a domestic abuse incident. The officer obtains the alleged female complainant's account after gaining permission to record. A professional actress played the complainant in all conditions. Matching descriptors of the most common UK victims of domestic abuse (i.e. female, white, under 25-years, ONS, 2017; SafeLives, 2018), she was white-Caucasian, female, and 23-years old. Amalgamated domestic abuse victim accounts on the Woman's Aid website (2018a, 2018b) inspired the script. As is also commonly described in police reports (Twis, Phuong, & Nordberg, 2018), the complainant's videoed testimony also included elements of *gaslighting*, whereby an abuser may encourage a victim to question their sanity and memory of events in order to divert blame. For this, the complainant claimed to have partly provoked the defendant, while a history of similar provoking behaviour was alluded to. The script followed this approach; "I knew I had done wrong. I just said sorry. I wanted to go back to normal, so I just said sorry – I had made him so angry". The actress also wore theatrical make up designed to simulate recent injuries (bruises). Acting was rehearsed, and to replicate

common descriptions of both sufferers of mental illness and real domestic abuse victims (Mind, 2018), she was asked to act in a distressed, but subdued and dissociated manner.

Figure 1. Still images of the complainant within the four contextual information conditions. Clockwise from top left: Toddler's toys, games and sports, control, bookcase. The pop-out shows the location of a visible artificial injury (see supplementary data for the full videos for use by other researchers)

In different video recording conditions, the actress provided virtually identical testimony except background furniture and paraphernalia changed (see Figure 1). Changes were low-key but designed to be suggestive of different relationships, in order to generate stereotype-driven attributions as to the likely composition and circumstances of unseen members of the household. The reasons for low-key alterations were that if relatively

innocuous changes to such residential scenes can influence juror judgements, more emotive information of the type that might be depicted in alternative households (i.e. evidence of alcohol, drugs, domestic disarray) might be expected to generate more substantial effects.

Therefore, to evaluate situational factors in the current research (e.g., see Weiner, 1986, 1995), footage displayed: a) pre-school age children's gender-neutral toys (hereafter: '*toddler's toys*' condition); b) games associated with teenagers or young adults ('*sports and games'*); c) a bookcase displaying books and family portraits ('*bookcase*'); and d) no background furniture ('*control*').

After rehearsals, four approximately 6-minute vignettes were filmed – one for each of the four conditions. The actress was asked to try to provide identical performances in each. Only the video soundtracks were played in the audio conditions.

Defence statements. Written defence statements were prepared (see supplementary data). These were based on common defendant apologetic mitigation endeavours (Bornstein et al., 2002), and claims of having been provoked (Pavlou & Knowles, 2001). Two versions manipulated the complainant depression variable. Both identically conveyed information that the complainant had ceased work and relationship tensions were high. One version then stated the complainant had "been diagnosed with depression", while the other mentioned general low mood. Inspiration for the scripting was taken from Foster's (2018) blog, describing a possible relationship dynamic involving depression. Lines such as, "a symptom of my depression is feeling needy and over-dependent" were adapted to, "all she wants is to have me there. So, I got home early, and she was out. I have her nagging at me all the time and it wears me down but then, I try to do the right thing, and she's not even in." Throughout, the defendant's account was designed to be consistent with the same incident described by the complainant in the BWV statement. For example, the alleged complainant said on video,

"He was shouting: "Where were you? What were you doing? Why do you do this to me?" He just kept shouting it and I… I couldn't answer…" Of the same incident, the defendant's statement read, "when I asked her where she had been, she didn't tell me. She just stood there and stared at me. All that nagging and then I do exactly what she wants, and she won't even tell me where she had been".

Domestic Abuse Blame Scale (DVBS, Petretic-Jackson et al., 1994): This 23-item four-domain six-point Likert scale (*1: strongly disagree to 6: strongly agree*) assesses pre-existing attitudes towards causes of domestic abuse. The original version referred to married titles only, and to better fit the complainant age, wording was edited (i.e. boyfriends, girlfriends, and partners in place of husbands, wives, and married). According to Petretic-Jackson et al. (1994), the DVBS has adequate reliability and validity. Internal consistency for each domain was assessed using Cronbach's alpha. Here, all were above .45 suggesting moderate reliability. Domains measured are *situational blame* (i.e. "boyfriend abuse of alcohol and drugs causes domestic violence" (5 items: Cronbach's α = .67); *perpetrator blame* ("boyfriends who physically assault their girlfriends cannot control their violent behaviours") (5 items: Cronbach's α = .45); *societal blame* ("partner violence occurs because society accepts it") (6 items: Cronbach's α = .72); and *victim blame* ("girlfriends provoke domestic violence") (7 items: Cronbach's α = .71). Higher scores equate to greater blame.

Day's Mental Illness Stigma Scale (DMISS, Day et al., 2007): This 28-item seven-domain seven-point (*1: strongly disagree to 7: strongly agree*) Likert scale provides an assessment of implicit attitudes toward depression. Each item relates to one of the following sub-scales: - *treatability* ("there is little that can be done to control the symptoms of depression") (three items; Cronbach's α = .70), *relationship disruption* ("depression prevents

people from having normal relationships with others") (six items; Cronbach's α = .83), *anxiety* ("I don't think I can relax and be myself when I am around someone with depression") (seven items; Cronbach's α = .89), *visibility* ("I can tell someone has depression by the way he or she acts") (four items; Cronbach's α = .80), *hygiene* ("people with depression tend to neglect their appearance) (four items; α = .89), *professional efficacy* ("mental health professionals, such as psychiatrists and psychologists, can provide effective treatment for depression") (two items; α = .79), and *recovery* ("people with depression will remain ill for the rest of their lives") (two items; α = .80). Four items were reverse scored. Higher subscale scores indicate a greater belief in the related domain.

Procedure

This study received NAME WITHHELD Psychology and Counselling Departmental Research Ethics Panel approval on 18th May 2018. Participants clicked on an online link (hosted by Qualtrics.com) and provided informed consent before completing demographic questions. Participants were asked to imagine they were a juror in a suspected domestic abuse case and completed the research individually. There was no deliberation. They were informed that a police BWV-recorded interview from the scene would be primary evidence, as the complainant had retracted her statement. Participants were then randomly assigned to one of the eight BWV complainant statement conditions and viewed the relevant evidence. In the four audio conditions, participants were informed that the video was not available, and that they would listen to audio only. For the final component of the trial, participants were provided with one of the two randomly assigned defendant's mitigating written statements.

Following evidence presentation, participants responded to a series of questions starting with the verdict, "Do you think the defendant is guilty?" (guilty, not guilty).

Regardless of response, on the next page they were asked, “We can inform you that the jury found the defendant guilty. On a sliding scale from 0–300 months, please indicate the sentence length you would expect the defendant to receive”. The sentence length question was included as it provides a more sensitive measure of defendant guilt attributions than the dichotomous verdict dependent variable. No information was provided as to typical sentence lengths in such cases, as to not to bias responses.

Participants then completed the randomly ordered DBVS (Petretic-Jackson et al., 1994), and DMISS (Day et al., 2007). A final question then asked, “How believable do you think the video (recording) was?” on a scale from Extremely Unbelievable (1) to Extremely Believable (10), after which participants were debriefed. Some participants failed to respond to all attributional scale items. Those missing four or more items out of 51 (7.8%) across the two scales were excluded. For the remainder, mean item response values were entered in the missing DVBS items (5.8%) and DMISS items (3.6%). Missing data were roughly equally distributed across experimental conditions ($p > .2$), and all analyses conducted with and without item-response replacement revealed negligible and non-significant effects ($p > .2$).

Condition manipulation check: For this, participants ($n = 218$), who did not take part in the main study, viewed one of the randomly allocated videos only. The primary aim was to evaluate whether acting and scenario convincingness differed between videoed conditions. A secondary aim was to determine whether the background information in the four different complainant videos generated different perceptions of household lifestyles.

After watching the video, participants were asked to rate complainant acting convincingness, and video narrative convincingness on Likert scales (0 = not believable, 10 = highly believable); and despite only viewing the complainant to, a. estimate household numbers; and b. in a series of nine multiple-choice questions to provide inferences of the

likely demographics, lifestyle and characteristics of each estimated household member including the complainant). For each question, a between-vignette-group chi-squared test, or a one-way ANOVA, followed by post-hoc Games Howell's tests compared categorical responses or scale responses respectively (a full list of questions can be found in the supplementary data). All significant effects are displayed in Table 1. Most analyses revealed no between-video group significant differences ($p > .05$) and are therefore not reported. Importantly, this included the questions relating to acting and narrative convincingness.

The analyses on household size was significant, with participants who viewed the toddler's toys group significantly inferring more household members (≈ three) than all other groups (≈ two) ($p < .001$), which did not differ ($p > .2$). The mean age ($M = 2.0$) for this third person in the toddler's toys condition clearly matched the manipulation.

Even though the complainant's partner was never depicted, virtually all participants inferred a male (98.1% of responses), white (94.1%) partner, in full time (87.0%) working class employment (67.8%). However, as seen in Table 1, his perceived age significantly differed by condition. The Sports and Games condition partner was imagined to be significantly younger than the Bookcase and Control partners ($p < .05$).

The strongest between-group differences primarily related to the cleanliness of the living environment, in that for both complainant and partner, the house was rated as significantly cleaner in the Bookcase and Control conditions than the Toddler's toys and Sports and Games conditions (both p's $< .001$). In addition, the Bookcase and Toddler's toys complainants were rated as lazier than the Control complainant (both p's $< .01$). No other effects were significant ($p > .1$).

In summary, the manipulation check demonstrated that the video narrative and the actor's performances were equally convincing in each experimental video condition. However, on at least one household lifestyle question, each video condition generated

significantly different responses compared to other conditions. This demonstrates that these deliberately innocuous low salience manipulations had an empirically measurable impact.

Table 1: Significant ANOVAs evaluating differences in perceived vignette characteristics based on information provided in condition manipulation check (n = 218).

	Toddler's Toys		Sports & Games		Bookcase		Control				
	M	*SD*	*M*	*SD*	*M*	*SD*	*M*	*SD*	*F*	*p*	η_p^2
Estimated Household size	3.02	0.53	2.06	0.46	2.08	0.38	1.96	0.27	72.26	<.001	.503
Estimated Partner age	28.75	5.77	27.71	3.81	29.96	3.28	29.58	3.03	2.99	.032	.047
Living Environment Cleanliness: Complainant	3.49	0.88	3.44	0.79	4.50	0.70	4.57	0.57	37.53	<.001	.350
Living Environment: Cleanliness: Partner	3.36	0.92	3.21	0.86	4.29	0.98	4.18	0.95	16.79	<.001	.216
Laziness: Complainant	16.60	0.74	16.30	0.94	16.71	0.54	16.10	1.005	5.41	<.001	.084

Results

All analyses were conducted using SPSS Statistics 25 (IBM Corp, 2017). Unless otherwise reported, post-hoc tests employed the Bonferroni correction ($\alpha = 0.05$). Data of verdicts and recommended sentence lengths are reported in Table 2.

Verdicts: Overall, 89.9% of mock-jurors endorsed a guilty verdict. A 2 (presentation mode) x 4 (context) x 2 (complainant mental health) x 2 (verdict: guilty, not-guilty) backward elimination hierarchical log-linear analysis (probability for removal $p < .05$) revealed a three-way interaction between verdict, complainant mental health, and mode with a likelihood ratio, $\chi^2(1) = 4.10$, $p = .043$. Context had no influence on verdicts ($p > .05$).

With other factors disregarded, the overall rates of guilty verdicts were identical in the two mental health conditions (89.9%), and therefore, two post-hoc chi-square tests explored the impact of mode within each mental health condition. Analyses on the no depression condition was not significant, $\chi^2(1, n = 564) < 1$, $p > .2$, Cramer's V = .006. However, there

was a moderate effect of mode within the depression condition, $\chi^2(1, n = 544) = 7.00$, $p < .05$, Cramer's V = .113. In contrast to expectations, guilty verdicts were significantly higher in the audio (93.3%) than the video condition (86.5%).

Table 2: Mock juror verdicts and mean recommended sentence lengths as a function of presentation mode, context, and complainant mental health

				Guilty verdicts	Recommended Sentences	
Presentation Mode	Context	Complainant Mental health	*n*	%	*M*	*SD*
Video	Toddler's toys	Depression	70	87.1	23.3	27.8
		No Depression	69	92.8	20.5	23.6
	Games & Sports	Depression	67	76.1	19.9	25.8
		No Depression	69	91.3	23.3	43.6
	Bookcase	Depression	66	89.4	24.0	23.1
		No Depression	70	87.1	21.4	25.5
	Control	Depression	71	93.0	29.0	48.1
		No Depression	74	89.2	24.7	37.7
Total			556	88.3	23.3	33.2
Audio	Toddler's toys	Depression	67	94.0	27.0	32.7
		No Depression	70	90.0	25.5	32.3
	Games & Sports	Depression	71	93.0	38.0	56.6
		No Depression	73	90.4	21.7	26.4
	Bookcase	Depression	66	92.4	27.0	30.7
		No Depression	70	97.1	33.9	32.9
	Control	Depression	66	93.9	24.6	27.4
		No Depression	69	81.2	19.6	28.7
Total			552	91.5	27.2	35.1

Prison sentence length recommendations: Recommended sentence lengths ranged from 0 – 300 months ($M = 25.2$, $SD = 34.1$). A three-way independent-measures ANOVA examining the effect of presentation mode, context, and complainant mental health revealed that only the main effect of mode was significant, $F(1, 1068) = 3.90$, $p = .049$, $\eta^2 = .004$. Consistent with the results for verdicts and against predictions, sentence lengths were longer in the audio ($M = 27.2$, $SD = 35.1$) than video mode ($M = 23.1$, $SD = 33.0$).

Correlational analyses: Table 3 depicts the correlations between all variables in this study. Verdicts correlated positively and strongest with victim blame on the DVBS, followed by video believability, and professional efficacy on the DMISS scale. Verdict also correlated

weakly but significantly with sentence length. Sentence lengths correlated weakly with believability and negatively with perpetrator and societal blame on the DVBS.

Several stronger correlations (e.g. DMISS treatability and DVBS victim blame domains, r = - .27) were revealed between domains on the DMISS and DVBS scales. As they are not of primary interest here, they are not evaluated further. However, in the context of the vignettes in the current study, it is clear they part-tap into common attitudes.

Predictors of verdict: To examine the hypotheses that drivers of defendant guilt would differ by mental health condition, three logistic regression analyses including a) all participants, b) participants in the depression condition only, c) participants in the no depression condition only, were performed with verdict as the dependent variable. Predictors were scores on the four DVBS sub-scales (victim blame, perpetrator blame, societal blame, situational blame) and the seven DMISS sub-scales (treatability, relationship disruption, anxiety, visibility, hygiene, professional efficacy, recovery), mode (1 = video, 0 = audio), while the context condition was split using the dummy variable procedure (dummy variable 1: 1 = bookcase condition, 0 = no bookcase; dummy variable 2: 1 = toddler's toys condition, 0 = no toys; dummy variable 3: sports and games condition, 0 = no games). The mental health condition variable (1 = depression, 0 = no mental illness) was additionally entered as a predictor in the first analysis that examined all participants.

With all participants (n = 1,108), the full model significantly predicted verdicts, χ^2(omnibus) = 77.48, df = 16, p < .001, accounting for 14.1% (Nagelkerke R^2) of the variance, with 99.5% of guilty verdicts and 5.4% of not guilty verdicts correctly classified (overall 90.0% accuracy). Only the DVBS Perpetrator sub-scale, Wald (df = 1) = 5.84, p = .016, Exp B = 0.68 (95% CI = 0.50-0.93), the DVBS Societal sub-scale, Wald (df = 1) = 4.06, p = .044, Exp B = 0.75 (95% CI = 0.57-0.99) and the DVBS Victim sub-scale (negatively and

most strongly), Wald (df = 1) = -41.72, p < .001, Exp B = 3.77 (95% CI = 2.52-5.64) significantly predicted verdicts.

In the no depression condition (n = 564), the full model also significantly predicted verdicts, χ^2(omnibus) = 50.24, df = 15, p < .001, accounting for 17.7% (Nagelkerke R^2) of the variance, with 99.2% of guilty verdicts and 8.8% of not guilty verdicts correctly classified (overall 90.1% accuracy). Only the DVBS Victim sub-scale (negatively), Wald (df = 1) = -31.84, p < .001, Exp B = 6.02 (95% CI = 3.23-11.24) significantly predicted verdicts.

In the depression condition (n = 544), the full model significantly predicted verdicts, χ^2(omnibus) = 50.00, df = 15, p < .001, accounting for 18.3% (Nagelkerke R^2) of the variance, with 99.2% of guilty verdicts and 9.1% of not guilty verdicts correctly classified (overall 90.1% accuracy). In this condition, Mode, Wald (df = 1) = 6.54, p = .011, Exp B = 2.28 (95% CI = 1.21-4.29), Sports and Games vs. No Games, Wald (df = 1) = 6.16, p = .013, Exp B = 3.16 (95% CI = 1.27-7.83), and the DVBS Victim sub-scale (negatively), Wald (df = 1) = -12.84, p < .001, Exp B = 2.69 (95% CI = 1.55-4.65) significantly predicted verdicts.

In summary, in all analyses, higher victim blame resulted in lower guilty verdict rates. With all participants, blame directed at society and perpetrators were also associated with independently and significantly increased guilty verdict rates. In terms of the key variables associated with BWV evidence, when no sporting equipment and games were shown there was a higher chance of a guilty verdict than when games were shown, but only when the complainant was described as depressed. Similarly, guilty verdicts were more likely when participants listened to the audio track only than when they viewed videos. These results support the main hypotheses that different residential lifestyle information depicted in BWV evidence may have a prejudicial impact on juror decision-making when all other factors remain equal.

Table 3. Pearson's correlation coefficients between measures

		DVBS					DMISS								
	Sentence	Sit	Perp	Soc	Vic	Trt	RD	Anx	Vis	Hyg	PrEf	Rec	Bel	M	SD
Verdict	.09*	<.01	.08	.05	-.24*	.08	-.07	-.04	-.01	-.02	.10*	.05	.22*	-	-
Sentence Length		-.07	.11*	.10*	-.04	-.09*	<.01	.06	.02	.05	<.01	-.04	.13*	25.2	34.2
Domestic Abuse Blame Scale (DVBS)															
Situational (Sit)			.36*	.32*	.25*	-.05	.25*	.23*	.17*	.24*	.02	-.12*	.04	3.66	0.90
Perpetrator (Perp)				.22*	.12*	-.05	.22*	.21*	.14*	.21*	.05	-.10*	-.13*	3.27	0.75
Societal (Soc)					.18*	-.08	.19*	.21*	.15*	.25*	<.01	-.10*	-.10*	4.10	0.85
Victim (Vic)						-.27*	.27*	.27*	.11*	.21*	-.16*	-.21*	.16*	5.49	0.49
Days Mental Illness Stigma Scale (DMISS)															
Treatability (Trt)							-.26*	-.24*	<.01	-.16*	.55*	.38*	-.10*	2.38	1.01
Relationship Disruption (RD)								.67*	.20*	.45*	-.06	-.27*	.12*	4.90	1.12
Anxiety (Anx)									.09*	.35*	-.02	-.22*	.06	5.49	1.06
Visibility (Vis)										.34*	.06	-.06	-.03	4.30	1.28
Hygiene (Hyg)											-.01	-.18*	.05	5.04	1.30
Professional Efficacy (PrEf)												.19*	-.10*	2.57	1.13
Recovery (Rec)													-.04	2.54	1.34

Scenario believability: A 2 (*mode*: video, audio) x 4 (*context:* toddler's toys, sports and games, bookcase, control) x 2 (*complainant mental health*: depression, no depression) between-groups ANOVA analysed condition believability (note: the manipulation check revealed no differences in actor/video narrative convincingness). This was the final question and many mock jurors failed to provide data (n = 122). However, responding or not did not differ by condition ($p > .2$). The mode main effect was significant, $F(1, 970) = 6.44$, $p = .011$, $\eta^2 = .007$; participants rated the audio mode ($M = 6.00$, $SD = 2.58$) as more believable than the video mode ($M = 5.59$, $SD = 2.44$). The context main effect was also significant, $F(3, 970) = 4.10$, $p = .007$, $\eta^2 = .013$. The Bookcase condition was rated as more believable than the Control, and Sports and Games conditions only ($p < .05$). No other comparisons or interactions were significant ($p > .05$).

Discussion

The current research employed a mock-juror decision-making design to examine whether different background lifestyle information captured in body-worn video (BWV) of complainant statements collected at the scene of an incident impacted domestic violence case judgments. Across all conditions, the unseen defendant was found guilty by 89.9% of 1,108 participants, who also recommended a mean sentence length of 25.2 months. However, between-condition outcomes differed. The results demonstrate that in some circumstances, contextual but low-key extra-legal information in BWV evidence can bias judgements, particularly if jurors hold strong pre-existing attitudes towards domestic violence and/or mental health.

The strongest predictors of not guilty verdicts however were *Domestic Abuse Blame Scale* (DVBS: Petretic-Jackson et al., 1994) measured negative attitudes towards victims of

domestic violence, although negative attitudes towards domestic violence perpetrators and societal influences conversely also predicted guilty verdicts. However, these effects were dependent upon participants' views of mental illness, partly supporting hypotheses that the mitigating information of complainant depression would lower defendant guilt attributions. Rates of guilty verdicts were in fact identical (89.9%) across the two mental health conditions (complainant depression *vs.* no mental illness) when all other factors were discounted. However, when no complainant depression was revealed, the only significant predictor was attitudes towards victims of domestic violence. In contrast, when the young adult female complainant depicted in the BWV footage was described as suffering from depression by the defence as a mitigating factor for the violence, significantly more guilty verdicts were delivered in the audio mode (93.3%) than the video mode (86.5%). In this condition, if the background depicted games associated with adolescents and young adults, guilty verdict rates were at their lowest (76.1%). In the equivalent audio condition, guilty verdict rates were far higher (93.0%). It appears the mitigating impact of knowledge of mental illness was dependent on the interpretation of the specific information provided within the video footage.

After delivering a verdict, participants were asked to recommend a prison sentence based on the information that most of the jury had found the defendant guilty. Although significant, the positive correlation between sentence lengths and verdicts (guilty = 1, not guilty = 0) was very small ($r = .09$) ($p < .01$) which may be due to most participants delivering a guilty verdict anyway, and not having been provided with sentencing guidelines for such offences. Nevertheless, sentence recommendations varied widely regardless of verdict (see large standard deviations in Table 2), suggesting large divergence in opinions as to an appropriate punishment. Nevertheless, recommended sentence lengths were significantly longer for all participants in the audio mode ($M = 27.2$ months) than video mode ($M = 23.1$ months) regardless of condition, matching the results for verdicts in the depression

condition. Based on these results, it does suggest that in some cases, juror decisions may be biased if BWV footage depicts different residential backgrounds. With defendant guilt attributions higher in the audio condition, it also suggests that sometimes a victims' access to justice may be impacted by video evidence of this type. These results were not consistent with effects found in previous mock-juror research in which defendant guilt attributions were higher if jurors viewed videoed material (e.g. Bright & Goodman-Delahunty, 2006; Douglas et al., 1997) or if a witness is shown providing testimony in court (Ellison & Munro, 2014). Further research is required to investigate this factor in BWV evidence.

There was also no indication that the implied presence of children impacted judgements. Outcomes in the toddler's toys condition did not differ from any other condition, except the young adult games condition described above. The manipulation check demonstrated that most participants will have been likely to have inferred the presence of a young child in the household in this condition (mean age 2-years). These findings do not match those of Dinovitzer and Dawson (2006) who found that punishments in real cases were harsher if participants were aware that the defendant was a father.

These differences in outcomes between the depression and no depression conditions despite the overall rates of guilty verdicts being identical can partly be explained by Weiner's (1986, 1995) extension of Attribution Theory (Heider, 1958). This model would suggest that the clinical diagnosis of complainant depression provided a context within which participants could anchor potential mitigating factors. The lack of anchoring information in the no mental health problems condition appears to have reduced the ability for participants to consistently draw on the contextual information depicted in the videos.

It should be acknowledged that there are several limitations of this research. The primary factor is that only one young adult female white actor played the part of the complainant, and therefore it is not possible to rule out actor-specific effects driving decision-

making across the different conditions. Further research is required with different actors from the same and different ethnicities, as well as ages. Indeed, although intimate partner violence victims are predominantly female, it is also important to examine if effects are similar with male complainants. In addition, almost 90% of verdicts being guilty, most participants apparently found the case very clear-cut, and a more ambiguous case with more balanced verdicts may have resulted in different outcomes.

It is also not possible to rule out that despite the actor attempting to play the part as identically as possible in each condition, that small differences in her performances drove participant decision-making in each condition. Indeed, non-verbal gestures can influence interviews of eyewitnesses (Gurney, Vekaria, & Howlett, 2014). Although the condition manipulation check found no between-condition differences actor and narrative convincingness, this may be because participants in that role were not evaluating the video in the same manner as juror-participants deciding whether the unseen defendant was guilty of a criminal act or not. To rule out potential actor variation influence in future research it is recommended that a single complainant film is captured against a green screen, with background information for different conditions superimposed.

The research could also be criticised for the between-condition differences in backgrounds being relatively discreet and innocuous, so that perhaps not surprisingly, effect sizes were small. Indeed, highly salient attention-grabbing information, designed to generate far stronger negative stereotypes towards one or other of the protagonists could have been depicted (i.e. cigarette ends in ashtrays/on floor, empty alcohol bottles, discarded food, drugs paraphernalia, discarded toys in damaged furniture redolent of very low socio-economic status, or uncaring attitudes). This would likely have more strongly impacted outcomes, as such information might have generated stronger attributions of criminality. However, the aim was to examine whether minor differences in information depicted in a home typical of most

young adults, could impact verdicts. Such individuals would not meet typical criminal stereotypes or perhaps be expected to be under regular scrutiny by police, even though domestic violence may impact all levels of society.

Recommended prison sentence variation within all conditions was very high which will have obscured some effects. Furthermore, participants completed the research remotely online and it is not possible to regulate the device used to view the footage, which may have impacted upon emotional engagement (e.g. see Codispoti & de Cesarei, 2007). In addition, most participants were female, meaning that no analyses could be conducted by participant-gender as male numbers in some conditions were too low. Overall, male guilty verdict rates were lower (83.5%) than females (90.9%), and male recommended sentence lengths (M = 19.6 months) shorter than females (M = 25.9 months) suggesting that with a more gender-balanced sample, outcomes may have been different. A typical randomly selected UK jury would be roughly equally split (Gov.uk, 2017). Nevertheless, unlike with most research of this type which recruits students, participants were mainly over the age of 25, and therefore likely more representative of a jury-eligible sample. Finally, in a real court case juries would deliberate in order to deliver a verdict. However, a review of the literature by Devine et al. (2001) suggests that when the jury majority favour the same verdict, that verdict will be delivered after deliberation. As approximately 90% of participants favoured a guilty verdict here, deliberation would have been unlikely to have impacted outcomes.

In summary, this research was the first to empirically demonstrate that minor changes to residential background information captured on BWV evidence might impact juror decision-making. Effects sizes were small and significant effects were only revealed in interactions with mitigating information provided as to the complainant's mental state. As such, this experimental paradigm could be used in future research to examine BWV evidence providing more emotive and/or provocative scenarios which might be expected to tap into

pre-existing attributions and prejudices. Nevertheless, it is recommended that internationally, law enforcement agencies and legal professionals remain mindful of the possibility of the potential of bias, even if the current findings provide no reason to avoid utilising BWV evidence to bolster domestic abuse-related cases.

List of references

A-G v Fraill [*2011*] 2 Cr App R 21

Adams, I., & Mastracci, S. (2017). Visibility is a trap: The ethics of police body-worn cameras and control. *Administrative Theory & Praxis*, *39*(4), 313-328. DOI: 10.1080/10841806.2017.1381482

Agerholm, H. (2017). Police failing to attend one in nine domestic violence incidents, figures show. Retrieved 9 September 2018, from http://www.independent.co.uk/news/uk/home-news/domestic-violence-abuse-police-reports-devon-cornwall-humberside-response-a8085146.html

Ariel, B., Farrar, W. & Sutherland, A. (2015) The effect of police body-worn cameras on the use of force and citizens' complaints against the police: A randomized controlled trial. *Journal of Quantitative Criminology, 31*(3), 509-535. DOI: 10.1007/s10940-014-9236-3

Bandes, S. A., & Salerno, J. M. (2014). Emotion, proof and prejudice: The cognitive science of gruesome photos and victim impact statements. *Arizona State Law Journal*, *46*, 1003-1056. http://arizonastatelawjournal.org/wp-content/uploads/2015/08/Bandes-Salerno_Final.pdf

Barnaby v DPP [2015] EWHC 232 (Admin).

Barratt, D., Rédei, A. C., Innes-Ker, Å., & Van de Weijer, J. (2016). Does the Kuleshov effect really exist? Revisiting a classic film experiment on facial expressions and emotional contexts. *Perception*, *45*(8), 847-874. DOI: 10.1177/0301006616638595

Bettinson, V. (2012). Restraining orders following an acquittal in domestic violence cases: Securing greater victim safety? *The Journal of Criminal Law*, *76*(6), 512-527. DOI: 10.1350/jcla.2012.76.6.907

Bohner, G., Eyssel, F., Pina, A., Viki, G. T., & Siebler, F. (2009). Rape myth acceptance: Cognitive, affective and behavioural effects of beliefs that blame the victim and exonerate the perpetrator. In M. A. H. Horvath & J. M. Brown (Eds.), *Rape: Challenging Contemporary Thinking* (pp. 17-45). Cullompton, UK: Willan. DOI: 10.4324/9781843927129

Boivin, R., Gendron, A., Faubert, C., & Poulin, B. (2017). The body-worn camera perspective bias. *Journal of Experimental Criminology, 13*(1), 125-142. DOI: 10.1007/s11292-016-9270-2

Bornstein, B. H. (1999). The ecological validity of jury simulations: Is the jury still out? *Law and Human Behavior, 23*, 75-91. DOI: 10.1023/A:1022326807441

Bornstein, B. H., Rung, L. M., & Miller, M. K. (2002). The effects of defendant remorse on mock juror decisions in a malpractice case. *Behavioral Sciences & the Law*, *20*(4), 393-409. DOI: 10.1002/bsl.496

Bright, D. A., & Goodman-Delahunty, J. (2006). Gruesome evidence and emotion: Anger, blame, and jury decision-making. *Law and Human Behavior, 30*(2), 183-202. DOI: 10.1007/s10979-006-9027-y

Burt, M. R. (1980). Cultural myths and support for rape. *Journal of Personality and Social Psychology, 38*(2), 217-230. DOI: 10.1037/0022-3514.38.2.217

Chapman, A., & Monk, C. (2015). Domestic violence awareness. *American Journal of Psychiatry*, *172*(10), 944-945. DOI: 10.1176/appi.ajp.2015.15070853

Chopra, C. (2018). The psychology of jurors' decision-making. Retrieved 9 September 2018, from https://www.plaintiffmagazine.com/images/issues/2018/01-january/reprints/Chopra_The-psychology-of-jurors-decision-making_Plaintiff-magazine.pdf

Codispoti, M., & de Cesarei, A. (2007). Arousal and attention: Picture size and emotional reactions. *Psychophysiology*, *44*(5), 680-686. DOI: 10.1111/j.1469-8986.2007.00545.x

College of Policing (2014). Body-worn video. Retrieved 9 September 2018, from http://library.college.police.uk/docs/college-of-policing/Body-worn-video-guidance-2014.pdf

College of Policing. (2018). Major investigation and public protection. Arrest and other positive approaches. Retrieved 9 September 2018, from https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/arrest-and-other-positive-approaches/

Corrigan, P. W. (2000). Mental health stigma as social attribution: Implications for research methods and attitude change. *Clinical Psychology: Science and Practice, 7*(1), 48-67. DOI: 10.1093/clipsy.7.1.48

Coudert, F., Butin, D., & Le Métayer, D. (2015). Body-worn cameras for police accountability: Opportunities and risks. *Computer Law & Security Review*, *31*(6), 749-762. DOI: 10.1016/j.clsr.2015.09.002

Crow, M. S., Snyder, J. A., Crichlow, V. J., & Smykla, J. O. (2017). Community perceptions of police body-worn cameras: The impact of views on fairness, fear, performance, and

privacy. *Criminal Justice and Behavior*, *44*(4), 589-610. DOI: 10.1177/0093854816688037

Crown Prosecution Service (2013). The code for crown prosecutors [Brochure]. Retrieved 9 September 2018, from https://www.cps.gov.uk/sites/default/files/documents/publications/code_2013_accessible_english.pdf

Crown Prosecution Service. (2018). Domestic abuse guidelines for prosecutors. Retrieved 9 September 2018, from https://www.cps.gov.uk/legal-guidance/domestic-abuse-guidelines-prosecutors

Cubitt, T. I., Lesic, R., Myers, G. L., & Corry, R. (2017). Body-worn video: A systematic review of literature. *Australian & New Zealand Journal of Criminology*, *50*(3), 379-396. DOI: 10.1177/0004865816638909

Daly, K. (1989). Gender and varieties of white-collar crime. *Criminology, 27(4)*, 769-794. DOI: 10.1111/j.1745-9125.1989.tb01054.x

Day, E. N., Edgren, K., & Eshleman, A. (2007). Measuring stigma toward mental illness: Development and application of the mental illness stigma scale. *Journal of Applied Social Psychology*, *37*(10), 2191-2219. DOI: 10.1111/j.1559-1816.2007.00255.x

Devine, D. J., & Caughlin, D. E. (2014). Do they matter? A meta-analytic investigation of individual characteristics and guilt judgments. *Psychology, Public Policy, and Law*, *20*(2), 109-134. DOI: 10.1037/law0000006

Devine, D. J., Clayton, L. D., Dunford, B. B., Seying, R., & Pryce, J. (2001). Jury decision making: 45 years of empirical research on deliberating groups. *Psychology, Public Policy, and Law*, *7*(3), 622-727. DOI: 10.1037/1076-8971.7.3.622

Dinovitzer, R., & Dawson, M. (2006). Family-based justice in the sentencing of domestic violence. *The British Journal of Criminology*, *47*(4), 655-670. DOI: 10.1093/bjc/azl078

Dhami, M. K., Lundrigan, S., & Mueller-Johnson, K. (2015). Instructions on reasonable doubt: Defining the standard of proof and the juror's task. *Psychology, Public Policy, and Law, 21*(2), 169-178. DOI: 10.1037/law0000038

Douglas, K. S., Lyon, D. R., & Ogloff, J. R. (1997). The impact of graphic photographic evidence on mock jurors' decisions in a murder trial: Probative or prejudicial? *Law and Human Behavior*, *21*(5), 485-501. DOI: 10.1023/A:1024823706560

DPP v Morgan [2016] EWHC 3414 (Admin).

DPP v Young [2018] EWHC 3616 (Admin).

Edwards, S. (1991). Policing 'domestic violence'. In *Gender, Power and Sexuality* (pp. 133-156). Palgrave Macmillan: London. DOI: 10.1007/978-1-349-21241-5_8

Eigenberg, H., & Policastro, C. (2016). Blaming victims in cases of interpersonal violence: Attitudes associated with assigning blame to female victims. *Women & Criminal Justice*, *26*(1), 37-54. DOI: 10.1080/08974454.2014.997417

Ellison, L., & Munro, V. E. (2014). A 'special' delivery? Exploring the impact of screens, live-links and video-recorded evidence on mock juror deliberation in rape trials. *Social & Legal Studies*, *23*(1), 3-29. DOI: 10.1177/0964663913496676

Epstein, D., Bell, M. E., & Goodman, L. A. (2003). Transforming aggressive prosecution policies: Prioritizing victims' long-term safety in the prosecution of domestic violence cases. *American University Journal of Gender, Social Policy & the Law*, *11*(2), 465-498. DOI: 10.2139/ssrn.2805189

European Commission. (2010). *Domestic violence against women report.* Brussels: Directorate-General for Justice. Retrieved 14 September from http://ec.europa.eu/public_opinion/archives/ebs/ebs_344_en.pdf

Fan, M. D. (2016). Justice visualized: Courts and the body camera revolution. *University of California Davis Law Review. 50*, 897-959. https://lawreview.law.ucdavis.edu/issues/50/3/Articles/50-3_Fan.pdf

Feigenson, N., & Spiesel, C. (2009). Law on display: The digital transformation of legal persuasion and judgment. New York: NYU Press. DOI: 10.18574/nyu/9780814727584.001.0001

Foster, C.R. (2018). Managing depression and anxiety in relationships; early days and long term. Retrieved 9 September 2018, from http://www.clarerosefoster.co.uk/2013/03/managing-depression-and-anxiety-in-relationships-early-days-and-long-term/

Freund, K. (2015). When cameras are rolling: Privacy implications of body-mounted cameras on police. *Columbia Journal of Law and Social Problems*, *49*(1), 91-133. http://jlsp.law.columbia.edu/wp-content/uploads/sites/8/2017/03/49-Freund.pdf

Golding, J. M., Wasarhaley, N. E., Lynch, K. R., Lippert, A., & Magyarics, C. L. (2015). Improving the credibility of child sexual assault victims in court: The impact of a sexual assault nurse examiner. *Behavioral Sciences & The Law*, *33*(4), 493-507. DOI: 10.1002/bsl.2188

Gov.uk (2017). Guide to jury summons. Retrieved 1 October 2019 from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/709844/jury-summons-guide-eng.pdf

Gov.uk. (2018a). Government takes action to tackle domestic abuse. Retrieved 9 September 2018, from https://www.gov.uk/government/news/government-takes-action-to-tackle-domestic-abuse

Gov.uk (2018b). Domestic violence and abuse. Retrieved 9 September 2018, from https://www.gov.uk/guidance/domestic-violence-and-abuse#domestic-violence-and-abuse-new-definition

Gov.uk (2018c). Claims paid out of central funds. Retrieved 9 September 2018, from https://www.gov.uk/guidance/claim-back-costs-from-cases-in-the-criminal-courts

Granot, Y., Balcetis, E., Feigenson, N., & Tyler, T. (2018). In the eyes of the law: Perception versus reality in appraisals of video evidence. *Psychology, Public Policy, and Law, 24*(1), 93-104. DOI: 10.1037/law0000137

Grossmith, L., Owens, C., Finn, W., Mann, D., Davies, T., & Baika, L. (2015). Police, camera, evidence: London's cluster randomised controlled trial of body worn video. *London: College of Policing*. https://www.bja.gov/bwc/pdfs/CoPBWVreportNov2015.pdf

Gurney, D., Vekaria, K. & Howlett, N. (2014) A nod in the wrong direction: Does nonverbal feedback affect eyewitness confidence in interviews? *Psychiatry, Psychology and Law, 21*(2), 241-250

Heider, F. (1958). The psychology of interpersonal relations. New York: Wiley. DOI: 10.1037/10628-000

Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (2017). A progress report on the police response to domestic abuse. Retrieved 25 October 2019 from, https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf

Humphreys, C., & Bradbury-Jones, C. (2015). Domestic abuse and safeguarding children: Focus, response and intervention. *Child Abuse Review*, *24*(4), 231-234. DOI: 10.1002/car.2410

Humphreys, C., & Thiara, R. (2003). Mental health and domestic violence: 'I call it symptoms of abuse'. *British Journal of Social Work*, *33*(2), 209-226. DOI: 10.1093/bjsw/33.2.209

IBM Corp. (2017). IBM SPSS Statistics, Version 25.0 [Computer software]. Armonk, NY: IBM Corp.

International Association of Chiefs of Police (IACP) (2014). Body-worn cameras. Retrieved, 29 September 2019, https://www.theiacp.org/sites/default/files/all/b/BodyWornCamerasPaper.pdf

Jennings, W. G., Fridell, L. A., & Lynch, M. D. (2014). Cops and cameras: Officer perceptions of the use of body-worn cameras in law enforcement. *Journal of Criminal Justice*, *42*(6), 549-556. DOI: 10.1016/j.jcrimjus.2014.09.008

Kahan, D. M., Hoffman, D. A., & Braman, D. (2009). Whose eyes are you going to believe? Scott v. Harris and the perils of cognitive illiberalism. *Harvard Law Review*, *122*, 837-906. https://harvardlawreview.org/2009/04/whose-eyes-are-you-going-to-believe-scott-v-harris-and-the-perils-of-cognitive-illiberalism/

Kasian, M., Spanos, N. P., Terrance, C. A., & Peebles, S. (1993). Battered women who kill. *Law and Human Behavior*, *17*(3), 289-312. DOI: 10.1007/BF01044510

Koch, C. M., & Devine, D. J. (1999). Effects of reasonable doubt definition and inclusion of a lesser charge on jury verdicts. *Law and Human Behavior*, *23*(6), 653-674. DOI: 10.1023/A:1022389305876

Langlois, N. E. I., & Gresham, G. A. (1991). The ageing of bruises: A review and study of the colour changes with time. *Forensic Science International*, *50*(2), 227-238. DOI: 10.1016/0379-0738(91)90154-B

Lum, C., Stoltz, M., Koper, C. S., & Scherer, J. A. (2019). Research on body-worn cameras; What we know, what we need to know. *Criminology and Public Policy, 18*, 93-118. DOI: 10.1111/1745-9133.12412

Maskaly, J., Donner, C., Jennings, W. G., Ariel, B., & Sutherland, A. (2017). The effects of body-worn cameras (BWCs) on police and citizen outcomes: A state-of-the-art review. *Policing: An International Journal of Police Strategies & Management, 40*, 672–688. DOI: 10.1108/PIJPSM-03-2017-0032

Metropolitan Police (2016). Rollout of body-worn cameras. Retrieved 9 September 2018, from http://news.met.police.uk/news/rollout-of-body-worn-cameras-191380

Metropolitan Police (2017). Final boroughs receive body-worn video. Retrieved 9 September 2018, from http://news.met.police.uk/news/final-boroughs-receive-body-worn-video-255994

Mind (2018). Dissociative disorders. Retrieved 9 September 2018, from https://www.mind.org.uk/information-support/types-of-mental-health-problems/dissociative-disorders/#.W5WcDZNKg0o

Ministry of Justice (2018). Criminal statistics quarterly, England and Wales, March 2019. Retrieved 25 October 2019, from https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-march-2019

Moll, J., de Oliveira-Souza, R., Eslinger, P. J., Bramati, I. E., Mourão-Miranda, J., Andreiuolo, P. A., & Pessoa, L. (2002). The neural correlates of moral sensitivity: A functional magnetic resonance imaging investigation of basic and moral

emotions. *Journal of Neuroscience*, *22*(7), 2730-2736. DOI: 10.1523/JNEUROSCI.22-07-02730.2002

Morrow, W. J., Katz, C. M., & Choate, D. E. (2016). Assessing the impact of police body-worn cameras on arresting, prosecuting, and convicting suspects of intimate partner violence. *Police Quarterly*, *19*(3), 303-325. DOI: 10.1177/1098611116652850

NBC News. (2007). Britain straps video cameras to police helmets. Retrieved 9 September 2018, from http://www.nbcnews.com/id/19750278/ns/world_news-europe/t/britain-straps-video-cameras-police-helmets/#.W0cPA9hKh-W

Nelson, E. L. (2013). Police controlled antecedents which significantly elevate prosecution and conviction rates in domestic violence cases. *Criminology & Criminal Justice*, *13*(5), 526-551. DOI: 10.1177/1748895812462594

Nemeth, R. J. (2002). The impact of gruesome evidence on mock juror decision making: The role of evidence characteristics and emotional response. (Unpublished doctoral dissertation). Louisiana State University, Baton Rouge. https://digitalcommons.lsu.edu/cgi/viewcontent.cgi?article=1130&context=gradschool_dissertations

North East *Lincolnshire Council v G & L* [*2014*] EWCC B77 (Fam)

ODS Consulting (2011), Body Worn Video Projects in Paisley and Aberdeen: Self-Evaluation. Glasgow, ODS Consulting. https://bwvsg.com/wp-content/uploads/2013/07/BWV-Scottish-Report.pdf

Office for National Statistics (ONS) (2018). Domestic abuse in England and Wales: Year ending March 2018. Retrieved 25 October 2019, from https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018

Osborn, K., Davis, J. P., Button, S., & Foster, J. (2018). Juror decision making in acquaintance and marital rape: The influence of clothing, alcohol, and preexisting stereotypical attitudes. *Journal of Interpersonal Violence*, 0886260518768566. DOI: 10.1177/0886260518768566

Owens, C., & Finn, W. (2017). Body-worn video through the lens of a cluster randomized controlled trial in London: Implications for future research. *Policing: A Journal of Policy and Practice*, *12*(1), 77-82. DOI: 10.1093/police/pax014

Owens, C., Mann, D., & Mckenna, R. (2014). The Essex body worn video trial. The impact of body-worn video on criminal justice outcomes of domestic abuse incidents. Essex: College of Policing. https://whatworks.college.police.uk/Research/Documents/BWV_Report.pdf

Pain, R. (2014). Everyday terrorism: Connecting domestic violence and global terrorism. *Progress in Human Geography*, *38*(4), 531-550. DOI: 10.1177/0309132513512231

Paternoster, R., & Deise, J. (2011). A heavy thumb on the scale: The effect of victim impact evidence on capital decision making. *Criminology*, *49*(1), 129-161. DOI: 10.1111/j.1745-9125.2010.00220.x

Pavlou, M., & Knowles, A. (2001). Domestic violence: Attributions, recommended punishments and reporting behaviour related to provocation by the victim. *Psychiatry, Psychology and Law*, *8*(1), 76-85. DOI: 10.1080/13218710109525006

Petretic-Jackson, P., Sandberg, G., and Jackson, T. L. (1994). The domestic violence blame scale (DVBS). In Vandecreek, L., and Jackson, T. L., (eds.), *Innovations in Clinical Practice: A Source Book, Vol. 13*. Professional Resource Press, Sarasota, FL, pp. 265-278.

Piza, E. L. (2018). The history, policy implications, and knowledge gaps of the CCTV literature: Insights for the development of body-worn video camera research. *International Criminal Justice Review*, DOI: 10.1177/1057567718759583.

Preece, M. J. (2008). *An exploratory study of counselor attitudes toward battered women*. (Unpublished doctoral dissertation), Ohio University, Ohio, Unites States. https://etd.ohiolink.edu/!etd.send_file?accession=ohiou1227064106&disposition=inline

R v Graham [2007] EWCA Crim. 1499

Re AS1's Application for Judicial Review [2018] NIQB 46

Revel Media. (2015). U.K. police use body-worn video cameras. Retrieved 9 September 2018, from https://www.youtube.com/watch?v=Pv1YXKWWXlc

Ross, D. F., Hopkins, S., Hanson, E., Lindsay, R. C. L., Hazen, K., & Eslinger, T. (1994). The impact of protective shields and videotape testimony on conviction rates in a simulated trial of child sexual abuse. *Law and Human Behavior*, *18*(5), 553-566. DOI: 10.1007/BF01499174

SafeLives (2018). Who are the victims of domestic abuse? Retrieved 9 September 2018, from http://www.safelives.org.uk/policy-evidence/about-domestic-abuse/who-are-victims-domestic-abuse

Scott v. Harris, 127 S. Ct. 1769, 1773 (2007).

Sentencing Council (2018). How offenders are sentenced in England and Wales. Retrieved 9 September 2018, from https://www.sentencingcouncil.org.uk/

Shaffer, D. R., & Case, T. (1982). On the decision to testify in one's own behalf: Effects of withheld evidence, defendant's sexual preferences, and juror dogmatism on juridic

decisions. *Journal of Personality and Social Psychology*, 42, 335-346. DOI: 10.1037/0022-3514.42.2.335

Singh, C., & Ramjohn, M. (2016). *Unlocking evidence*. Oxford: Routledge. DOI: 10.4324/9781315737645

Smeenk, W., & Malsch, M. (2005). Family violence and police response: Learning from research, policy and practice. *Family violence and police response: Learning from research, policy and practice in European countries*. London: Routledge. DOI: 10.4324/9781315255453

Titchener, N. (2018). Accused of domestic violence? Retrieved 9 September 2018, from https://www.lawtonslaw.co.uk/resources/accused-of-domestic-violence/

Twis, M. K., Phuong, N. A., & Nordberg, A. (2018). Intimate Partner Violence Myths in Police Reports: A Directed Content Analysis. *Violence and Victims, 33*(2) DOI: 10.1891/0886-6708.VV-D-17-00015

U.S. Department of Justice (2018). Federal domestic violence laws. Retrieved 9 September 2018, from https://www.justice.gov/usao-wdtn/victim-witness-program/federal-domestic-violence-laws

Waltermaurer, E. (2012). Public justification of intimate partner violence: A review of the literature. *Trauma, Violence, & Abuse*, *13*(3), 167-175. DOI: 10.1177/1524838012447699

Weiner, B. (1986). An attributional theory of motivation and emotion. New York: Springer. DOI: 10.1007/978-1-4612-4948-1_6

Weiner, B. (1995). Judgments of responsibility: A foundation for a theory of social conduct. New York: Guilford.

White, M. D. (2014). Police officer body-worn cameras: Assessing the evidence. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/RIC/Publications/cops-p289-pub.pdf

Whittemore, K. E., & Ogloff, J. R. (1995). Factors that influence jury decision making. *Law and Human Behavior*, *19*(3), 283-303. DOI: 10.1007/BF01501661

Willis, J., & Todorov, A. (2006). First impressions: Making up your mind after a 100-ms exposure to a face. *Psychological Science*, *17*(7), 592-598. DOI: 10.1111/j.1467-9280.2006.01750.x

Willmott, D., Boduszek, D., & Booth, N. (2017). The English jury on trial. *Custodial Review*, *82*, 12-14. http://eprints.hud.ac.uk/id/eprint/31985/

Woman's Aid (2018a). Survivors forum. Retrieved 9 September 2018, from https://survivorsforum.womensaid.org.uk/forums/

Woman's Aid (2018b). Struggling with the reality. Retrieved 9 September 2018, from https://survivorsforum.womensaid.org.uk/forums/topic/struggling-with-the-reality/

World Health Organization (2017). Violence against women. Retrieved 9 September 2018, from http://www.who.int/news-room/fact-sheets/detail/violence-against-women

Wright, D. B., & Hall, M. (2007). How a "reasonable doubt" instruction affects decisions of guilt. *Basic and Applied Social Psychology*, *29*(1), 91-98. DOI: 10.1080/01973530701331254