Are jurors influenced by special courtroom measures?
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Alleged adult rape victims are not disadvantaged in court if they choose to give evidence behind protective screens or via video links, according to new research.

The study, jointly led by the University of Leeds and University of Nottingham, is the first of its kind in the UK to examine the impact of the use of technology and special measures in adult rape trials on juror decision-making.

This follows concerns that such measures unduly influence the way jurors assess evidence in court, potentially causing less empathetic or sympathetic reactions, or that they lead to jurors attaching less weight to evidence due to a distancing effect.

Research found the use of alternative trial arrangements, such as screens, live link technology and pre-recorded video evidence, had no consistent impact on juror's evaluation of rape testimony or on their perceptions of a complainant's credibility.

It also found no clear or consistent evidence of reduced emotional impact when video-mediated testimony was used, relative to evidence delivered 'live and in the flesh' directly in the courtroom.

Co-author of the study, Professor Louise Ellison from the School of Law at the University of Leeds, said: "Giving evidence in open court in the presence of an alleged assailant can be a harrowing experience and there are genuine fears that using special measures, aimed at reducing the stress of testifying, may work against the rape complainant.

"Our findings suggest that whilst there are a wide variety of factors which can influence individual and collective verdict outcomes, there is no clear support or preference for in-court testimony over video-mediated testimony amongst jurors, and no consistent pattern to suggest it unduly affects perceptions and evaluations of evidence."

The research also has significance for the prosecution, following similar concerns that the use of special measures by adult sexual offence complainants may unfairly prejudice the defence or imbue a complainant's testimony with an undeserved level of credibility.

Professor Vanessa Munro, from the University of Nottingham, explained: "Using technology may also suggest to jurors that a complainant is in need of protection from the alleged perpetrator in the dock, but we have demonstrated that special courtroom measures can be used as part of a fair trial, without significant adverse consequences for the prosecution or the defence."

Since the Contempt of Court Act 1981 prohibits research or interviews with jurors during or after trials, Professors Ellison and Munro used trial and jury room simulations to explore the potential impact of protective measures on juror perceptions.

Four different rape trials were scripted, written in consultation with legal experts and practitioners, and re-enacted by professional actors playing the roles of complainant, defendant, judge and expert witness. Experienced barristers performed examinations and cross-examinations in front of jury-eligible members of the public, whose deliberations were then recorded and analysed.

The research is titled "Special Measures in Rape Trials: Exploring the Impact of Screens, Live Links and Video-recorded Evidence on Mock Juror Deliberations."

More information: http://www.lssi.leeds.ac.uk/sp ... ports/louise-ellison