Title  Seeing is believing? A systematic review of credibility perceptions of live and remote video-mediated communication in legal settings.

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Ethics Approval

This was a systematic review with no participant data – no ethical approval was sought for this reason.

Patient Consent.

This was a systematic review with no participant data so no consent was sought.

Permission to reproduce materials

No materials from other sources were included in this article. Therefore no permissions were required.

Data Availability

As the paper is based on a systematic literature review there is no raw participant data.
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Abstract

There has been a dramatic increase in use of remote communication via audio-visual technology since the COVID-19 pandemic. This includes use in complex legal hearings where decisions rely heavily on credibility assessments of an individual and their interview statement. This is particularly relevant in legal settings where negative assessments can have adverse outcomes such as asylum applications which can result in deportation (Ellis et al., 2004; Landstrom et al., 2019). Increasing use of remote communication technology raises the question of what research can tell us about how someone is perceived when interviewed live (in-person) compared to via video-mediation. A systematic review of the literature resulted in the selection of nine papers. Four themes were identified; decision-maker’s assumptions, frame of the camera, demeanour and detecting truth and lies. The results are discussed within the context of credibility judgements in asylum proceedings together with implications for further research and practice.

Keywords  Vulnerable witness, trauma, remote interview, legal setting, credibility, video-link, CCTV
Introduction

There has been a substantial increase in use of audio-visual mediated communication since the spread of the COVID-19 virus. Many UK legal proceedings have become ‘remote’ whereby participants in court hearings are connected using audio-visual platforms including remote close circuit television (CCTV), video pre-recordings and videoconference (The Law Society, 2021). Remote proceedings may negatively affect decision-makers views of applicants (Bandes & Feigenson, 2020; Wilson & Davies, 1999). For example, remote adjudication was found to disadvantage applicants in immigration proceedings in the United States (Thorley & Mitts, 2019) and judges set higher bail for defendants who appeared remotely compared with those who were in-person (Diamond et al., 2010).

Remote testimony via live video-link was historically introduced to support vulnerable witnesses; initially in the 1980s to enable children to give evidence without facing the courtroom (Davies, 1992). In the UK those eligible for special measures (e.g. giving evidence via video-link or pre-recorded film) has been widened over time to include those under 18 years, victims of serious crimes such as interpersonal abuse, targeted victims, or possessing communication difficulties (CPS, 2021; Gov.Scotland, 2021).

Use of remote communication technology in legal settings has expanded to include live video-links to court (where an individual is including in court room proceedings via CCTV), pre-recorded testimony videos and more recently entirely remote legal trials. Video-mediated communication was first introduced in asylum hearings in the 1990’s (Ellis, 2004) and recently due to public health concerns of the COVID-19
pandemic it’s use in legal proceedings has increased significantly (Gov. UK, 2021; Sanders, 2021).

Using video-mediated communication to gather information for important decisions raises the question as to whether video-mediated communication influences decision-makers’ perceptions of interviewees.

In complex legal proceedings where there is a lack of ‘hard’ or documentary evidence, such as asylum claims, the credibility of interviewees and their personal testimony can become the determining focus. Evaluating credibility varies among decision-makers as they may rely on perceptions of the interviewee’s demeanour, behavioural cues, or individual perceptions of honesty (Bala et al., 2005; Herlihy & Turner, 2015; Rehaag & Evans-Cameron, 2020). Laypeople and experts (e.g., judges and police) alike rely on faulty stereotypes to assess credibility (Bond & DePaulo, 2006; Vrij & Fisher, 2020). For example, judges reporting averted gaze as a sign of deception, however it is not a reliable indicator and may also be misconstrued when cultural context is not accounted for (Hope et al., 2022; Ellis, 2004).

Despite increased use of video-mediated communication there appears to be limited research addressing how its use may influence credibility judgements (Ellis, 2004; Havener, 2014). Communication theorist McLuhan (1964) raised the importance of considering the influence of medium through which a message is communicated as well as the content of the message. The influence remote video communication may have on credibility judgements is unclear. Existing theory offers some insight.

Expectation Violation Theory (EVT; Burgoon & Hale, 1988) asserts that we approach social interactions with expectations (shaped by past experience and social norms)
about how the other person would behave both verbally and non-verbally. Variation from these expectations is possible when image and sound are altered through the communication technology and may shed doubt on the other person’s credibility.

Furthermore, in video-mediated communication the camera lens is usually pointed at the interviewee/witness. Taylor and Fiske (1975) demonstrated that when observing a interview dialogue, observers attribute more causality to the person they are positioned facing. This is termed ‘illusory causation’, when unwarranted causality is ascribed to a certain stimulus because it is more noticeable than other stimuli. Illusory causation appears to influence the viewers perceptual organisation of the information and directly influence causality attributions as well as subsequent judgements (Lassiter et al., 2005). For example, more causality was ascribed to witnesses of recorded interrogations when only they are visible on the film (contrasted with interrogator and witness being visible) and leads them to be judged as guilty and receive more severe sentences (Lassiter, 2002).

Furthermore, when information is testimony is “emotionally interesting…and proximate in a sensory, temporal, or spatial way” (Nisbett & Ross, 1980, p45) it is more salient and audiences are more attentive to it. This ‘vividness effect’ may also influence perception and judgement in legal settings; as it seems to lead decision-makers to place more weight on this information, which in turn influences their credibility judgements (Bell & Loftus, 1985; Blonde & Girandola, 2016).

The rapid adoption of remote legal hearings coupled with existing theory on factors influencing credibility highlight that it is important to understand what evidence exists on the influence of video-mediated communication on credibility assessments in legal settings. Therefore, we reviewed the existing literature to scope out what is
known about the influence of remote video-communication technology on credibility assessment in legal settings.

**Search Strategy**

A systematic search was conducted in three databases (PsychInfo, JSTOR, Web of Science). The Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) statement was followed to assure quality (Page et al., 2020). Search terms in three areas were used and then combined. Domain 1 was on Accuracy and Credibility (Accura* or credib* or plausib*), domain 2 was (testimon* or account* or witness* or memor* or interview*), and domain 3 was remote technology (videoconferen* or remot* or online). Search terms were identified through a scoping search and initially trialled in the PsychInfo database.

**Inclusion and Exclusion Criteria**

The PECO framework (Morgan et al., 2018) defined research objectives and the inclusion and exclusion criteria. This framework considers the Population of interest, Exposure, Comparator and Outcomes.

Studies were included if they met the following criteria;

Population: The review included any study which had human participants. Age was limited to exclude those who were too young to have verbal fluency and verbal reception capabilities. Participants were accepted if they were lay people or professionals.

Exposure: It was required that all studies included in the review must have at least one condition of video-mediated communication. Video-mediated communication could include pre-recorded video testimony, live CCTV interview, or online audio-
visual platforms. The exposure must have been in the context of legal or quasi-legal interview.

Comparison: The review included between subject and within subject comparisons between video-mediated communication and any other form of communication including live in-person interview.

Outcome: The review included studies which examined perceptions of the interviewee. This included reports on perceptions of credibility including veracity, consistency, and demeanour.

Design: Experimental between or within subject studies were included. Studies were excluded if there was no comparison between or within subjects of communication mediation, age, or condition. Papers which did not report outcome relevant to perceptions of the interviewee or subjects’ credibility were also excluded.

The systematic review included papers published in English between 1st January 1985 and 15th October 2021. The start date is matched with the point at which video-mediated communication was first introduced to legal settings in English speaking countries. Initially 7145 articles were identified from the databases. Once duplicates were removed and titles reviewed, the search narrowed to include 201 articles. After abstract review 32 papers remained and another 23 papers were excluded after full article review. Nine papers were retained (Figure One).

The first author conducted the search, and the second author reviewed the final inclusion papers to ensure fidelity with inclusion and exclusion criteria.

Quality Assessment
The quality of the papers included in the review followed the National Heart Blood and Lung Institutes checklist for observational cohort and cross-section studies (NHBL Institute, 2021). This is a fourteen-item checklist which guides assessment of the quality of publication. The checklist poses a question about an aspect of the study in each item and can be rated in three ways: ‘Yes’, ‘No’ or ‘Cannot determine’/‘Not Applicable’/‘Not Recorded’. Once each item has been answered the quality of the paper can be scored as ‘Good’, ‘Fair’ or ‘Poor’. Items 10 (‘Was exposure assessed more than once over time?’) and 13 (‘Was loss to follow-up after baseline 20% or less?’) were not applicable for all included papers.

The quality was assessed as ‘good’ for nine studies (Batastini et al., 2020; Doherty-Sneddon & McAuley, 2000; Dunbar et al., 2015; Goodman et al., 1998; Havener, 2014; Landstrom & Granhag, 2008, 2010; Landstrom et al., 2007; Orcutt et al., 2001). None were evaluated as ‘fair’ or ‘poor’ therefore no studies were excluded on grounds of poor quality. All studies stated clear research aims and defined participant populations. The quality assessment confirmed that the studies were designed to minimise the risk of bias. Only two papers reported on sample size, power calculations and participation rates (Goodman et al., 1998; Orcutt et al., 2001).

Results

Nine papers met the inclusion criteria and were selected for this systematic review (Batastini et al., 2020; Doherty-Sneddon & McAuley, 2000; Dunbar et al., 2015; Goodman et al., 1998; Havener, 2014; Landstrom & Granhag, 2008, 2010; Landstrom et al., 2007; Orcutt et al., 2001). The studies examined perceptions of credibility in video-mediated communication in quasi/legal scenarios. Findings were
classified into four themes: decision-maker’s assumptions, frame of camera, demeanour and detecting truth and lies.

All papers were published in peer reviewed journals. Eight studies were experimental in design and manipulated audio-visual communication including at least remote video communication (Doherty-Sneddon & McAuley, 2000; Dunbar et al., 2015; Goodman et al., 1998; Havener, 2014; Landstrom & Granhag, 2008, 2010; Landstrom et al., 2007; Orcutt et al., 2001). One survey study reported on the professional’s view on remote video communication (Batastini et al., 2020).

Participants: Six studies used child witnesses (age range 5-11 years) and adult participants were recruited as decision-makers (Doherty-Sneddon & McAuley, 2000; Goodman et al., 1998; Landstrom & Granhag, 2008, 2010; Landstrom et al., 2007; Orcutt et al., 2001). Two papers used adult witnesses and adult decision-makers (Dunbar et al, 2015; Havener, 2014). One study surveyed adult professionals working in legal settings who were all adults (Batastini et al., 2020).

Decision-Maker’s assumptions

Two papers reported on beliefs or underlying assumptions participants held about remote video communication (Batastini et al, 2020; Goodman et al, 1998).

Concerns about reliance on technology in legal settings were directly addressed in Batastini et al.’s (2020) survey of forensic mental health assessors and judges. Previous experience of using videoconferencing (defined as real-time audio-visual equipment) was reported among 65% of mental health practitioners and only 3.7% of judges. Sixty-one percent of all participants expressed concern that their ability to fully assess an individual would be limited by videoconferencing as it obscures non-verbal observation. Other concerns expressed were about technical and security
issues which could reduce efficiency of the assessment process. Eighty-five percent of the judges surveyed favoured in-person communication as a more valid method than remote communication, citing difficulty establishing rapport and risk of technical difficulties. Although notably only 3.7% had experience of remote interviews.

Legal professionals thought an advantage was reduced wait-times (Batastini et al., 2020). Given the evidence on memory decay leading to less accurate accounts of events this is relevant to legal proceeding (Dysart & Lindsay, 2007; Memon et al., 2003).

Another study, using child witnesses, simulated a mock trial with adult participants as mock-jurors and found participants viewed in-person and CCTV trials as equally fair, although when analysed by gender, women viewed the in-court trial as less fair than CCTV (Goodman et al., 1998). Such assumptions about fairness may indirectly influence how the witnesses’ credibility is perceived.

**Frame of camera**

Two papers examined whether the frame of the camera influenced observer’s credibility assessments of interviewees (Havener, 2014; Landstrom & Granhag, 2008).

In an experimental study, Havener (2014) compared head-only versus waist-up video footage of an adult actor providing a mock legal statement. No significant differences were found in credibility ratings of the actor between the two frame shots (head or waist-up). The study also manipulated the level of emotion which was exhibited by the actor (no emotion; medium emotion – some emotional gestures; high emotion – including crying) and did find that head-only frame with moderate emotion was judged as most credible. Havener (2014) suggests that the close-up
video-image may increase the influence of witnesses emotions on the observer’s judgements.

Landstrom & Granhag’s (2008) experimental study compared four camera shots in a video interview with a child. Two conditions presented only the child (close-up and medium-distance) and two other conditions presented the interviewer as well (close-up and medium-distance). The close-up/child-only shot showed the child’s head and shoulders facing front onto the camera, medium-distance/child-only presented their full body. The third condition was close-up of both the child and interviewer sitting side on to the camera, and the final condition was medium distance showing the full body of both child and interviewer side-on. The frame did appear to influence assessments as children in the close-up/child-only condition were judged as thinking harder than children in the other conditions. When the child was filmed along with their interviewer in medium shot, they were considered more natural and relaxed than the close-up frame. No differences between the child-only/close-up and medium-distance ratings.

These two studies both suggest the camera frame may influence perceptions of interviewees, however more data is required to understand what mechanisms may underly differences in credibility ratings based on camera shot.

Demeanour

Eight studies examined how video-mediated communication influences perception of demeanour (Doherty-Sneddon & McAuley, 2000; Dunbar et al., 2015; Goodman et al., 1998; Havener, 2014; Landstrom & Granhag, 2008; 2010, Landstrom et al., 2007; Orcutt et al., 2001). The aspects of demeanour that were measured varied.
Of the six studies with child witnesses, five (Goodman et al., 1998; Landstrom & Granhag, 2008; 2010; Landstrom et al., 2007; Orcutt et al., 2001) found children appearing on audio-visual communication were judged more negatively than when live and one study found no difference (Doherty-Sneddon & McAuley, 2000).

Landstrom & Granhag (2010) asked participants to judge aspects of children’s demeanour when giving a statement about an event which half the children had experienced, and the other half had only imagined. Three communication conditions were compared two live conditions: in-person and CCTV and one pre-recorded video. They found regardless of whether the child had experienced the event or not, children in-person were judged to be more forthcoming than those on live-CCTV. Presenting live compared with video-recording children were judged more positively in many domains (i.e. more involved, eloquent, forthcoming, straightforward, and less nervous and defensive and seemed to think less hard). The authors also compared 2 conditions; pre-recorded video and live-CCTV, the latter was more favourable. Children were perceived as less nervous, having to think less hard, more straightforward, eloquent, and pleasant than those video recorded. The authors explanation for these findings is that temporal and spatial proximity influence perception whereby in-person interactions have the greatest spatial and temporal proximity, leading to greater immediacy and emotional impact.

Landstrom et al. (2007) also found children interviewed in-person were perceived as more convincing than those in pre-recorded videos, which adds to the authors’ explanation of closer proximity. However, Landstrom et al. (2007) found no difference in how children’s appearance (e.g. involved, natural, relaxed, and forthcoming) was perceived between video and in-person. They thought this aligned with previous research indicating that adults give more attention to verbal aspects of
children’s statements than their appearance. In support of this, the authors reported that observers of in-person interviews were significantly better at remembering children’s statements, than those who heard statements on video (Landstrom et al., 2007).

Orcutt et al. (2001) also found that children who gave testimony via live-CCTV compared with in-person interviews were viewed less positively, judged as less accurate, believable, consistent, attractive, and intelligent. Orcutt et al. (2001) explain this difference via a loss of emotional impact when appearing remotely.

Comparing in-court testimony with live CCTV, Goodman et al. (1998) also found that children giving in-court testimony were viewed as more accurate and believable than in CCTV. Goodman et al. (1998) concluded that the live-CCTV condition lowered the children’s credibility in the eyes of the mock jury. Their explanation of this effect is that CCTV does not directly negate credibility assessment of the witness but does so indirectly and creates a negative bias. This conclusion is similar to Landstrom and Granhag (2008) who believe that camera-shot did not directly affect the participants ability to assess truthfulness, but it did affect their judgements of demeanour.

Orcutt et al. (2001) also highlighted an important possibility that children may behave differently when interviewed on CCTV, rather than solely reflecting judges’ perceptions which could not be captured in paper vignette.

One study found no differences between communication mediums (Doherty-Sneddon & McAuley, 2000). Participants were shown 30 seconds of either a face-to-face or live video-mediated child interviews about a neutral event and were asked to rate the child on happiness, nervousness, and confidence. No significant differences were identified in the ratings of children in each condition, although there
was a trend approaching statistical significance that suggests children in the live-video condition appeared more confident. However, this study has the disadvantage of small sample size and showing only 30 seconds of an interview may be too short to allow participants to draw conclusions about demeanour.

Two studies examined perceptions of adult witnesses. Dunbar et al. (2015) asked judges how easy or difficult they found credibility judgements. They created a scenario where adult participants were encouraged to cheat and lie in an interrogative interview. Professional interviewers interviewed them (either face-to-face or videoconferencing) and were asked to judge their ‘credibility’ operationalised as *truthfulness, believability, credibility*, and *trustworthiness* and ‘expressivity’ operationalised as *dominance, involvement, activation*, and *pleasantness*. The judges reported greater difficulty in assessing credibility in videoconferencing compared to face-to-face situations concluding that communication modality can affect credibility assessment.

Havener (2014) manipulated the level of emotion in pre-recorded video testimony of an adult mock witness and found that display of moderate emotion (compared with no emotion or high emotion) resulted in the most favourable ratings on *credibility,* *likeability,* and *poise*.

**Detecting truth and lie**

Seven studies examined how successful the observers were in correctly assessing truth and deception (Doherty-Sneddon & McAuley, 2000; Dunbar et al., 2015; Goodman et al., 1998; Landstrom & Granhag, 2008, 2010; Landstrom et al., 2007; Orcutt et al., 2001).
Dunbar et al. (2015) used trained experienced interviewers to detect deception in statements given by university undergraduate participants. Overall, the interviewers correctly identified whether the participant was deceptive 59% of the time, however when separated into communication modality this success rate was only 53.8% for videoconferencing and rose to 63.4% in face-to-face interviews. This suggests there was greater difficulty detecting deception in videoconference conditions.

Landstrom and Granhag’s (2010) study found the overall accuracy rate in detecting deception was 58.3% which is slightly better than chance but the authors point out that a large margin of error remains. They found no difference in success detecting truth-telling across three conditions: in-person interview, live CCTV, and pre-recorded video. Orcutt et al. (2001) reported similar findings in a study where mock jurors judged interviews with children in-person or via live-CCTV. The mock-jurors were not significantly better than chance at detecting deception.

In Landstrom & Granhag’s (2008) study, comparing four camera-shot conditions, they also reported low accuracy with 46.9% success in detecting deception. The participants judging the child statements were also no more successful at detecting lies than they were truthfulness, regardless of camera-shot. It is important to note that all conditions were pre-recorded video in this study which may invalidate comparison. Observers also exhibited more of a lie-bias when children were presented alone at medium-shot (i.e., full body visible, interviewer not visible) compared with interviewer visible. However, this difference was not found in close-up shots comparing interviewer visible or not.

Goodman et al. (1998) replicated a courtroom trial and compared mock jurors’ ability to detect truthfulness between in-person interview and live video-link. Accuracy in
detecting truthfulness was similar across all mediums, and overall accuracy for detecting truthfulness was poor. The authors conclude that the participants’ perceived judgements of the child’s confidence and consistency used as indicators of veracity are poor, and lead to low success in determining truthfulness.

Interestingly in Landstrom & Granhag’s (2008) study, observers did not judge truth-telling children to be more relaxed or pleasant, or that truthful statements were more plausible, detailed, and convincing. This corroborates the assertion that remote interviews may influence how visual cues are used to assess truthfulness. The observers also appeared to favour a ‘lie bias’ which the authors reported as unusual and thought may result from less proximity to the witness (Landstrom & Granhag, 2008). Participants were only able to detect lies more accurately in the pre-recorded video condition but performed at chance in detecting truth (Landstrom and Granhag, 2010). However, in Landstrom et al.’s (2007) study veracity detection was superior for in-person interviews compared with video. This study reported a lie-bias, whereby observers were better at detecting lies than truthful statements due to a tendency to assume the witness was lying (Landstrom et al., 2007).

Differing outcomes were reported by Doherty-Sneddon & McAuley (2000) where adult participants observed 30-seconds of children being interviewed either face-to-face or live-CCTV and between the two conditions, children were considered equally truthful (Doherty-Sneddon & McAuley, 2000). A problem with this study is the assumption that 30 seconds is sufficient time to enable observers to draw conclusions about veracity.

Dunbar et al. (2015) reported an interaction effect between truthfulness and communication medium. When interviewees were being truthful, the decision-
makers reported more credibility in face-to-face than CCTV interviews. However, when the interviewee was deceptive, credibility was lower in both face-to-face and CCTV interviews. The authors conclude that decision-makers benefit from face-to-face communication as it fosters more interactive interviews which aids credibility assessment, whereas interviewees seeking to deceive may benefit from video-link interviews as it is easier to hide deception.

Most studies found that participants ability to detect truth was limited, often no better than chance regardless of communication medium. Mixed results are presented regarding whether the communication medium influences veracity detection. Preliminary findings suggest it may be dependent on whether someone is telling truth or lie as well as the communication medium and context. Further research is required.

**Limitations of the Reviewed Research**

The majority of the studies included in this systematic review were based on experimental scenarios which limits the ecological validity of the findings. The content of most accounts given by the interviewee were not personally significant, less likely to have emotional importance, and with low stakes. As Havener’s (2014) study suggests the intensity of emotion conveyed and communication mode jointly influence credibility perceptions, so in-vivo situations may yield more emotion and affect results.

The diversity of participants of the studies was limited. Studies predominantly relied on Western, Educated, Industrialized, Rich and Democratic (WEIRD) samples (Heinrich et al., 2010). Moreover, categories of vulnerability, apart from age, were not reported. In legal settings witnesses who are considered vulnerable (on the
grounds of their trauma history, learning difficulties, age, or mental health) are more likely to be offered special measures when giving testimony, including audio-visual options. Future research could contribute to legal practice by exploring how different vulnerability factors may influence perceptions of witnesses via remote-video conferencing. Furthermore, although age was measured, comparison between ages were not, limiting conclusions. The decision-makers in most studies were recruited through university undergraduate courses and may not reflect those commonly making decisions in legal settings.

The research identified in this review has predominantly reported on assessing children. This may reflect practice, as audio-visual communication in legal settings has been in place for children for longer (McAuliff & Kovera, 2012). However, there may be differences in how children’s, adolescents’ and adults’ credibility is perceived in remote audio-visual communication based on their behaviour and assumptions held about the age group. None of the reviewed studies compared age groups.

Only two studies reported power analysis (Goodman et al., 1998; Orcutt et al., 2001), and while most studies appear to have a large sample size, it is difficult to determine the statistical validity of their analysis.

**Discussion**

We reviewed research which examined the effect of video-mediated communication on credibility in legal settings. Overall the evidence suggests that this mode of communication is influential, and interviewee’s using video-mediated communication are perceived to have less credibility. However, more research is needed to confirm this and identify specific mechanisms which influence credibility assessment in
audio-visual communication. Four themes were identified; decision-maker’s assumptions, focus of the camera, demeanour and detecting truth and lies.

Most reviewed papers reported that interviewees were viewed more negatively when they appeared remotely compared to in-person. Interviewees appearing on live-CCTV were judged less favourably (Goodman et al., 1998; Landstrom et al., 2007; Orcutt et al., 2001) - for example less forthcoming, convincing, believable or accurate - and appeared to think harder (Landstrom & Granhag, 2010) than those in-person. Although live-remote communication generally resulted in more positive ratings than pre-recorded video. These experimental findings are also consistent with field-based research comparing live and remote hearings pre- and post-covid (Sanders, 2021).

An explanation for this finding is that there is less perceived proximity in time and place and lead to greater loss of emotional impact and less favourable credibility ratings (Landstrom et al., 2007; Orcutt et al., 2001). This could be explained by the vividness effect (Nisbett & Ross, 1980), if remote interviewees’ testimony is perceived as less vivid and in turn negatively impacts others’ perceptions of them. Corroborating this, Davies (1992) reviewed use of video-link interviews in UK courts and found remote testimony to have less emotional impact on judges and lead to negative assessments. This finding is particularly relevant to legal proceedings where there is less hard evidence and decision-makers are prone to judgements based on their feelings, such as asylum claims (Evans-Cameron, 2018).

Detection of truth and deception was similar to- or slightly above chance (Dunbar et al., 2015; Goodman et al., 1998; Landstrom & Granhag, 2008, 2010; Orcutt et al., 2001). Mixed results were reported on detection rates comparing in-person and video communication. For example, Doherty-Sneddon & McAulley (2000),
Landstrom & Granhag (2010) and Goodman et al. (1998) did not find any difference between in-person, CCTV, and pre-recorded video. However, Dunbar et al. (2015) reported a ten percent improvement in detecting deception in face-to-face interviews compared with CCTV, particularly when detecting lies. The authors concluded that decision-makers benefit from face-to-face communication as it fosters more interactive interviews, whereas interviewees seeking to deceive may benefit from video-link interviews as it is easier to hide deception.

Camera focus was reported to influence perceptions of interviewees’ credibility depending on what else was seen in the frame. Although little difference was found between head only versus waist up shots of the interviewee (Havener, 2014; Landstrom & Granhag, 2008), there was a significant difference in those who appeared alone compared with an image that included both the interviewer and interviewee (Landstrom & Granhag, 2008). This finding may be consistent with illusory causation, whereby salience is placed on what is seen in the frame leading to more attribution of casual responsibility to the interviewee for example seeming to ‘think harder’. Despite the common belief that non-verbal cues may aid detection deception, this research did not support that seeing more of an interviewee’s body aided deception detection. This is consistent with a body of research that asserts there are no reliable cues of lying (Bond & De Paulo, 2006; Brennen & Magnussen, 2022; Burgoon, 2018).

Use of remote videoconference legal proceedings have hugely increased in areas of law with vulnerable applicants, such as asylum claims (UNHCR, 2020). Currently there is a dearth of research examining how individuals with particular vulnerabilities may be perceived on remote videoconferencing. The intersection of assumptions about trauma presentations, cultural and language differences have been identified
as influential factors for in-person credibility assessments (Hope et al., 2022).

Expectation violation theory highlights a problematic aspect of assessing someone via video-link as social interactions may be interrupted (e.g. due to technological glitches) or altered (e.g. limited image due to camera frame) or further altered by remote video-mediated communication.

Refugee determinations illustrate complex challenges to credibility determination, including psychological, legal, linguistic, and cultural factors, which may be further affected by remote communication. Asylum seekers are recognised to experience greater mental ill-health and acute stress (Given-Wilson et al., 2016; Herlihy et al., 2012) may not be fairly represented via videoconferencing.

Experiences of Canadian immigration lawyers would corroborate this (Ellis, 2004) and highlight the need for further research in these areas of vulnerability and social-cultural difference (Hope et al., 2022). Specifically, they reported that the audio-visual medium made it hard to gauge emotion and that cultural difference created more communication barriers for example lack of eye contact and language differences (Ellis, 2004). One legal professional described the video screen as a “artificial shield” and another believed that their applicant was so disadvantaged by remote communication their claim was dismissed (Ellis, 2004; sect. Major themes).

Conclusions

The reviewed papers present a preliminary picture of credibility assessment using remote video technology in legal settings. The use of audio-visual communication in legal settings does seem to influence the already complex process of assessment of credibility and may indirectly influence decision-making processes.
To optimise information gathering for credibility assessment, interviews in legal settings should concentrate on creating the most favourable conditions, training interviewers in best practice for eliciting complete and accurate accounts.

Before the use of video-communication is further implemented assessors need to be aware of the challenges and limitations of decision-making in remote interviews. The gap in awareness of how vulnerable witnesses may be judged via remote video-communication should be highlighted until further research can illuminate this issue.

The differences and difficulties of remote video interviews require a balance to be struck between timely hearing and promoting the best presentation of an individuals’ testimony. At present use of video testimony could be restricted to simple information exchanges and not for complex assessments. In settings where remote interviews must proceed, interviewers should be trained appropriately and made aware of the pitfalls and differences of this modality. The interviewee should be fully assessed for vulnerabilities which may disadvantage them from being fairly represented on video. Minimum standards should be set, and guidance developed in any legal settings where this communication mode is being used.
References


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https://www.nhlbi.nih.gov/health-topics/study-quality-assessment-tools

https://doi.org/10.1080/1068316X.2018.1519828


Appendix

Figure One

**PRISMA 2009 Flow Diagram**

Records identified through database searching
- PsychInfo (n=7121)
- Web of Science (n=3085)
- JStor (n=2)

Additional records identified through other sources
- Hand search (n=40)

Records after duplicates removed and title screen (n=7145)

Records screened (n=201)

Full-text articles assessed for eligibility (n=32)

Full-text articles excluded, with reasons (n=18)
- No legal setting (n=9)
- No focus on credibility (n=6)
- No video-link condition (n=3)
- Not scientific design (n=2)
- Unable to obtain (n=3)

Studies included in qualitative synthesis (n=9)