Jurors’ perceptions of witnesses who testify through interpreters

Researchers: Associate Professor Sandra Hale, Associate Professor Jeanna Sutton, Professor Nigel Bond

Abstract

Previous research studies have suggested a strong correlation between the way witnesses speak and the way they are evaluated by juries or judicial officers. Some of the factors that can negatively impact evaluations include witnesses’ hesitant speech, upward intonation and non-standard or foreign accents. When witnesses give evidence through an interpreter, an extra layer of potential bias can be added. This study set out to discover whether mock jurors would be influenced by two factors:

1. the original language of the witness (Arabic, Chinese or Spanish), and
2. the accent of the interpreter when interpreting into English.

The study found that there was no difference according to language, and that participants found the defendant more honest, credible, trustworthy, and persuasive when the interpreter had a slight foreign accent. Importantly, they were less likely to find the witness guilty if they were presented with his testimony through an accented versus a non-accented interpreter. Participants were equally confident in finding the witness not guilty as when they found him guilty.

Project Details

This study aimed to find if interpreters impact juror perceptions and to what degree of significance. It also aimed to identify the influences that can be overcome by adequate training and careful choice of interpreter and those that are beyond the interpreters’ control.

This study extended on Hale’s previous research, by looking at different variables that may influence jurors’ perceptions of non English speaking witnesses. It specifically aimed to answer the following questions:

1. Are jurors influenced by the original language of the witness in forming their evaluations on credibility and trustworthiness, when they do not understand the original language?
2. Are jurors influenced by the accent of the interpreter in forming their evaluations on credibility and trustworthiness?

The results seem to indicate that jurors are not influenced by the original language of the defendant in assessing their credibility and trustworthiness and that accented interpreting is seen as more credible and more trustworthy.

These are encouraging results, both for the administration of justice and for the training of interpreters. In terms of the administration of justice, they seem to indicate that at least the population of UWS students and staff do not discriminate on the basis of ethnicity or language. This can be a result that is very particular to the Western Sydney area which has a high migrant population. Previous research has shown that familiarity with other languages and accents lead to more equitable evaluations. We plan to replicate the study using different participant populations (eg. Eastern suburbs or Northern suburbs of Sydney and other states).
The study will be replicated in Spain, using English, Chinese and Arabic as the defendants’ languages, and Spanish as the mainstream language. Those results will be compared to the Australian results.

Further, external funding will be sought to replicate the study with other populations and to extend it to include other variables.

The results are also encouraging for training, as most bilinguals will have accented English and accent and language combination are beyond the interpreter’s control and beyond the influence of any training. Training can, therefore concentrate on other issues surrounding interpreter competence.

**Detailed results**

The two scenarios were analysed separately. Briefly, the results show that there was no effect on a guilty verdict of the language spoken by the witness, \( \chi^2 = 0.49 \), ns. However, there was a significant effect of the accented/unaccented interpretation, with participants who listened to an accented interpretation significantly less likely to find the witness guilty, \( \chi^2 = 6.92, p < 0.01 \).

A series of analyses of variance were employed to examine the effects of the language of the witness and the accented/unaccented translation on each rating. The non-accented interpretation was seen as less credible than the accented interpretation, F(1,142) = 5.970, p < 0.02. There was no effect of the language spoken by the witness, nor was the language by accent interaction significant, F(2,142) < 1.5, ns, in both cases.

The rating of the trustworthiness of the witness followed a similar pattern, with the non-accented translation being seen as less trustworthy than the accented translation, F(1,142) = 13.54, p < 0.001. Neither the language spoken by the witness or its interaction with accent were significant, F(2,142) < 1.5, ns, in both cases.

The outcomes for honesty and persuasiveness were similar to those for credibility and trustworthiness, with the non-accented translation being seen as less honest, Accent F(1,142) = 5.40, p < 0.02. Again, there was no effect of language spoken and it did not interact with accent, F(2,142) < 1.5, ns, in both cases. Likewise, there was a significant effect of accent on persuasiveness, F(1,142) = 2.25, p < 0.05. However, there was no effect of language nor did it interact with accent, F(2,142) < 1.5, ns, in both cases.

To examine which of the ratings was the best predictor of a guilty verdict, a regression analysis was run. It indicated that Honesty was the best predictor of Guilty/not guilty followed by Credibility. Finally, the participants were as confident in a guilty verdict as they were in a non-guilty verdict, \( \chi^2 = 0.70 \), ns.

The above analyses were repeated for the second scenario. Interestingly, there was a significant effect of language on guilty/non-guilty, with the Arabic witness being found guilty more than the Asian or Spanish witnesses, \( \chi^2 (2) = 5.93, p = 0.05 \). There was no effect of accent on the interpreter on the guilty verdict. \( \chi^2 (1) = 1.17, ns \).

The analyses on the various ratings were all non-significant, except for persuasiveness. The accented interpreter was seen as less persuasive than the non-accented interpreter, F(1,142) = 7.80, p < 0.01. There was no effect of language on persuasiveness and it did not interact with accent, F(2,142) < 1.5, ns, in both cases.

Again, to examine which of the ratings was the best predictor of a guilty verdict, a regression analysis was run. It indicated regression analysis that Credibility was the best predictor of Guilty/not guilty, followed by Honesty. Interestingly, the participants were more confident when they found the witness guilty than when they found the witness not guilty, \( \chi^2 (4) = 15.42, p < 0.005 \).

The results of the present study suggest that participants found the accented interpreter more effective. His testimony was seen as more honest, credible, trustworthy, and persuasive, if it was presented through an accented interpreter. Importantly, they were less likely to find the witness guilty if they were presented with his testimony through an accented versus a non-accented interpreter. Participants were equally confident in finding the witness not guilty as when they found him guilty.