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## MAGISTRATES' BELIEFS CONCERNING VERBAL AND NON-VERBAL BEHAVIOURS AS INDICATORS OF DECEPTION

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### Abstract

This study examined 105 magistrates' beliefs about verbal and non-verbal behaviours as indicators of deception/truth-telling and whether their amount of courtroom experience was associated with their beliefs. Previous surveys (none have been on magistrates) suggest that people tend to associate others' deception with changes in a number of verbal and non-verbal behaviours (that research on actual lying has found not to be valid cues). Overall, the magistrates' beliefs were not similar to those found in previous surveys; for the majority of behaviours tested, the magisterial sample did not consensually consider that these were indicative of deception/truth-telling. Magisterial experience was related to only six of the 61 survey items, with less experienced magistrates tending to believe that four of the behaviours were possible indicators of deception. Given that the majority of magistrates did not share the common false beliefs found in other studies, the main implication of the present study is that they may well be less likely to incorrectly discriminate between witnesses/defendants who are telling the truth and those who are lying.

**Keywords:** Beliefs; Deception; Magistrates; Opinions; Credibility.

### Resumen

Este estudio examinó las creencias de 105 magistrados sobre los comportamientos verbales y no verbales como indicadores de estar contando la verdad/mentira y si la experiencia en las Salas de Justicia está asociada con las creencias. Investigaciones previas (ninguna con magistrados) sugiere que tendemos a asociar la mentira en otros con cambios en comportamientos verbales y no verbales (que la investigación no ha hallado que sean indicadores válidos). En general, las creencias de los magistrados no eran similares a las encontradas en investigaciones previas. Los magistrados no consideraban que la mayoría de los comportamientos evaluados fueran indicativos de contar la verdad/mentira. La experiencia como jueces sólo estaba relacionada con seis de los 61 ítems, tendiendo los magistrados con menos experiencia a creer que 4 de los comportamientos eran propios de la mentira. Dado que la mayoría de los magistrados no comparten las falsas creencias encontradas en otras investigaciones, la principal implicación del presente estudio es que pueda que sea poco probable que discriminen incorrectamente entre testigos/acusados que están diciendo la verdad de aquellos que mienten.

**Palabras clave:** Creencias; Mentira; Magistrados; Opiniones; Credibilidad.

## Introduction

The current study was designed to examine (i) the beliefs that magistrates hold concerning verbal and non-verbal behaviours as indicators of veracity in court, and (ii) whether magisterial experience has an influence on those beliefs. Being able to accurately distinguish between deceptive and truthful statements in a legal context such as in a magistrates' court is of vital importance to the administration of justice. Following a brief overview of the responsibilities that magistrates hold in the judiciary of England and Wales, this introduction will review previous research on people's beliefs about cues to deception/truth-telling. This will be followed by a review of previous research on the actual detection of deception, which has tended to show that people's ability to discriminate between deception and truth is only slightly better than chance, with some criminal justice professionals achieving increased success, under certain circumstances.

In England and Wales magistrates are unpaid, have no legal qualifications, and must make a commitment to sit for a minimum of 26 half-day court sessions each year, although Morgan and Russell (2000) found that on average magistrates sit for 41 half-day sittings per year, with some sitting more frequently. Morgan and Russell (2000) also noted that there is a risk that magistrates with extensive court experience could take on the qualities of a semi-professional, such as becoming case-hardened or overly sceptical, rather than retaining the qualities that the magistracy is founded upon, such as open-mindedness and objectivity. However, Vrij (1999) suggests that lies all too often go undetected as people are too trusting of others, implying that magistrates should indeed be suspicious of what people say in court, and that becoming sceptical is an essential quality for lie detectors such as members of the magistracy. The concerns postulated by Morgan and Russell (2000) and Vrij (1999) are pertinent to the current study, as some researchers such as Johnson, Grazioli, Jamel, and Berryman (2001), and Mann, Vrij, and Bull (2004) suggest that experience could effect decision-making and judgements of veracity.

There are many cognitive psychological theories regarding the structure and processes of human perception, attention, and memory in terms of problem-solving, judgement, and decision-making. In terms of mental representations, the limited capacity of working memory (Baddeley & Hitch, 1974, as cited in Eysenck & Keane,

2000) means that in order to transform problem states into solutions, cognitive strategies must often be employed that are quick mental shortcuts to an outcome. Regarding detecting deception, Vrij (2004a) suggests that people use cognitive heuristics as quick 'rule of thumb' problem-solving strategies with which to interpret others' behaviours, saving a lot of time and cognitive processing, although such strategies do not guarantee a solution to a problem. The representativeness heuristic (Eysenck & Keane, 2000) theorises that people can make judgement errors based on 'rules of thumb', as events or behaviours that are considered representative of a category are assigned a high probability of occurrence. This notion also contends that if individuals use stereotypes to inform their categorisation of events and behaviours, then their 'rule of thumb' judgements will be informed by such stereotypes. In the case of detecting deceit based on stereotypical yet incorrect verbal and non-verbal behaviours such as gaze aversion, shrugs, posture shifts, gesticulations, fidgeting, and speech pauses (Vrij, 2000), it is inevitable that the use of heuristics as cognitive-shortcuts can produce faulty assessments, systematic errors and biases in reasoning and deduction. The research undertaken by Mann et al. (2004) implies that professionals working within the criminal justice service, such as police officers who generally have more experience of working with liars than the general public, may use different heuristics to determine deceit than do members of the general population. However, Bull (2004) pointed to evidence that revealed many criminal justice professionals were rarely better than chance at detecting deceit.

Magistrates' courts in England and Wales are courts of summary justice and deal with more than 96 per cent of criminal cases to conclusion in the adult and youth courts (Morgan & Russell, 2000). Of the 1.3 million cases sentenced in the magistrates' courts each year, 91 per cent are adjudicated by magistrates, with the remainder being dealt with by district judges (Morgan & Russell, 2000). Therefore, one of the basic responsibilities of magistrates is that of making sound judgements in court. These considerations relate to such matters as decisions concerning the granting of adjournments, decisions about guilt and innocence, decisions about whether a defendant is remanded in custody or is bailed, decisions on sentencing, and decisions concerning the veracity of courtroom evidence. Sound judgement concerning such decision making within the magistracy is of vital importance to the integrity of, and public confidence in the judiciary, and is the cornerstone of the administration of justice in England and Wales.

Although magistrates use structured approaches in order to aid decision making, when evidence is conflicting or inconsistent there is no procedural tool to guide magistrates on how to distinguish reliable evidence from that which has been intentionally fabricated or manipulated. Indeed McKittrick and Callow's *handbook for magistrates* (1997) reminds magistrates that witnesses who appear calm, confident, consistent and articulate in court may not necessarily be telling the truth, and conversely that signs of nervousness in court may not necessarily indicate that someone is lying. Nevertheless, deliberate deceit by defendants and witnesses, motivated by a desire to deceive magistrates and pervert the course of justice, inevitably happens in the magistrates' courts, and it is these types of deliberate deceptions that the current study is interested in.

DePaulo, Lindsay, Malone, Muhlenbruck, Charlton, and Cooper (2003) undertook a meta-analytic review of previous research studies to examine the different ways in which people may behave when they are lying compared to when they are telling the truth. They identified 158 different behaviours as potential cues to deception. Their research found that many commonly held beliefs concerning cues to deception may not necessarily reveal that someone is lying. DePaulo et al. (2003) found that liars tended to be less forthcoming than truth-tellers in terms of providing fewer details of an account, or providing less sensory information such as sounds and colours. Their findings also suggested that liars told less compelling accounts than truth-tellers, especially in terms of their accounts making less sense, they told their stories in less engaging ways, and they sounded less involved and more uncertain. DePaulo et al. (2003) also found that liars tended to be less positive and less cooperative than truth-tellers, and that liars tended to frown more than non-liars, although there was no difference in the rate of smiling or speed of speaking. Overall, DePaulo et al. (2003) found that liars were more tense than truth-tellers in terms of vocal tension and pitch, although blinking and fidgeting did not seem to indicate lying. Spontaneous corrections of accounts and admitting a lack of memory of events were both found to be indicative of truthful behaviour. Whilst DePaulo et al. (2003) identified a number of combinations of factors that might indicate deception, there were few (15% of the 158 potential cues) single statistically significant behaviours found that could be considered as indicative. Additionally, none of the behaviours commonly believed to be indicators of deception

(Vrij, 2000) such as facial expressiveness, eye contact, gaze aversion, eye shifts, shrugs, posture shifts, gesticulations, fidgeting hands and feet, shifting body weight, and speech pauses were found to be indicative by DePaulo et al. (2003).

A survey undertaken by Vrij, Akehurst, and Knight (2006) examined police officers', social workers', teachers' and the general public's beliefs concerning verbal and non-verbal cues to deception. The list of cues used in their survey was compiled from previous research findings where cues were found to be either valid indicators of deception or beliefs associated with deception. Tested cues related to speech behaviours (e.g. pauses, stutters and clichés), facial behaviours (e.g. eye contact, twitches and blinking), body behaviours (e.g. shifts, shaking and shrugs) and speech content (e.g. contradictions, details and quotes). It was found that of the 63 cues tested, participants associated the vast majority with deception. Moreover, an increase in a response/behaviour was generally believed to be associated with deception. Police officers made up 19 per cent of the sample and no major differences between the occupational groups emerged. Stromwall and Granhag (2003) also found police officers (and prosecutors and judges) to have beliefs that differ from what research tells us are somewhat valid cues to deception.

Colwell, Miller, Miller, and Lyons (2006) undertook a survey with US law enforcement officers concerning their beliefs regarding behaviours indicative of deception. The survey consisted of 30 behavioural cues collated from previous research. The participants reported that such behaviours tended to increase with deception; believing this to be especially true for non-verbal behaviours (e.g. postural shifts, posture and self-manipulations). The authors of that study acknowledged that the sample is unlikely to be representative as the response rate was less than ten per cent (109 participants) and likely to be comprised of officers interested in or concerned about deception. However, their findings are generally in line with previous research. (For research on liars' strategies see Hines, Colwell, Hiscock-Anisman, Garrett, Ansarra, and Montalvo, 2010).

Vrij (2004a) states that there is not a single non-verbal, verbal or physiological behaviour uniquely related to lying. Indeed, Buller and Burgoon (1996) suggested that there is no single profile of deceptive behaviours, as liars' patterns of behaviours are adaptive and contingent upon a number of factors such as their expectations, goals, motivations, relationships with their targets, and signs of suspiciousness from their targets.

In light of findings that suggest that everyday lying is prevalent and successful (DePaulo, Kashy, Kirkendol, Wyer, & Epstein, 1996; Kashy & DePaulo, 1996), and research that disputes many commonly held beliefs about lying behaviours such as gaze aversion, shrugs, posture shifts, gesticulations, fidgeting, and speech pauses, it is perhaps not unexpected that professional lie detectors find it difficult to detect deception by relying on verbal and non-verbal cues. Several studies have found that professional lie detectors such as police officers are generally poor at distinguishing between lies and truths (Ekman, O'Sullivan, & Frank, 1999), and have typically scored deceit detection rates similar to that of laypersons and at chance level (Köhnken, 1987; Vrij, 2004a; for a review see Vrij, 2008). Mann et al. (2004) suggest that this result could be explained by way of inadequate police training procedures. They noted that in some countries police guidance advises officers to look for behavioural cues to lying such as gaze aversion, nervousness and fidgeting (Gordon & Fleisher, 2002; Hess, 1997; Inbau, Reid, Buckley, & Jayne, 2001). It was noted by DePaulo et al. (2003) that these behaviours have not been found to be significant indicators of deception. Mann et al. (2004) in a study more ecologically valid than previous research found police performance to be significantly above chance level (but far from perfect). Garrido and Masip (1999) argue that due to a combination of police officers tending to rely upon stereotypes to inform their judgements and the lack of behavioural indicators of deceit, it might be difficult to effectively train such professionals to identify the subtleties, range and combination of behaviours that might indicate lying.

In terms of verbal behaviours, research has shown that liars make more negative statements, give more unconvincing or unbelievable answers, give shorter answers, make fewer self-references, give more irrelevant information, and over-generalise (Vrij, 2008). Statement Validity Assessment (SVA) is a technique that has been developed to assess the truthfulness of verbal statements, although it has been used mainly to test children's testimony rather than that of adults (Vrij, Akehurst, Soukara, & Bull, 2002). SVA is based upon the assumption that a statement derived from the memory of an actual event is superior in content and quality from a statement based on invention. Vrij et al. (2002) propose that these assumptions suggest that criteria such as unstructured production, contextual embedding, reproduction of speech and, unusual details are difficult for people to fabricate, thus lending support to the value of criteria-based content analysis (CBCA) in the detection of lies. SVA assessments are considered valid



evidence in some European and US courts of law (Vrij et al., 2002). However, Vrij (2004a) suggests that people typically tend to ignore such speech contents, predominantly relying on their beliefs concerning non-verbal cues to inform judgements about deception and truth-telling, especially when there is no corroborative information to check the truth of a statement. [Research undertaken by Ekman and O'Sullivan (1991), and Vrij, Evans, Akehurst, and Mann (2004) found that paying attention to a combination of behavioural and speech cues improved deceit detection accuracy.]

We are not aware of any studies that have examined the effect of magisterial experience on magistrates' beliefs concerning verbal and non-verbal cues to deception. The current study aims to identify any such effects. There is conflicting research evidence that criminal justice professionals' deceit detection rates are improved by experience, with researchers such as Johnson et al. (2001), and Mann et al. (2004) indicating to some extent that it improves, in contrast to others (Aamodt & Custer, 2006; Akehurst et al., 1996) whose findings suggest that it is not improved with experience. (Training has also been found to have very limited effects – Bull, 2004.) Therefore, the current study adopts a two-tailed hypothesis regarding the possible effects of relevant professional experience. In addition, the current study also aims to identify which verbal and non-verbal behaviours magistrates believe are indicative of telling lies/truths. The current research may be important in identifying factors which may help to reduce any potential misjudgements of veracity, and hence may help to reduce miscarriages of justice.

## **Method**

### **Design**

The research involved surveying the sample population as to the judgements they make concerning the verbal and non-verbal indicators that people may give when they are trying to deceive magistrates in court. The study adopted a between-participants design to examine the possible effect of relevant experience (low experience, experienced, and highly experienced). The dependent variables for this study were the verbal and non-verbal behaviours which the participants associated with deception.

## Participants

The sample consisted of 105 magistrates from a magisterial area located in part of England. The whole of that magistracy was invited to participate, and of the population of 183, fifty-seven percent provided usable responses. Participants were allocated to the respective groups based upon their magisterial experience. Part one of the survey asked participants to indicate how many years' experience they had as a magistrate, and also, on average, how many half-day sessions they did each year. Those participants (20%) who had up to two years' experience, regardless of the number of sittings they did each year were allocated to the 'low experience' group. Participants (49.5%) with more than ten years' experience, regardless of the number of sittings they did each year, plus those with five to ten years' experience who sat more than 50 times each year were allocated to the 'highly experienced' group. The remaining participants (30.5%) were allocated to the 'experienced' group, which included all those with three to four years' experience, and those with five to ten years' experience who sat for less than 50 sessions each year.

## Materials

This study used a survey to ascertain the participants' opinions about verbal and non-verbal cues to deception in court. The main part of this survey was developed from the 64-item questionnaire used by Akehurst, Köhnken, Vrij, and Bull (1996) in their research on criminal justice professionals' beliefs concerning deceptive behaviours. However, in order to reduce some ambiguity concerning the meanings and interpretations of certain behaviours detailed on that survey, three behaviours (response latency, reproduction of speech, and relating events to independent external context) were removed. Therefore, the survey used in the current study consisted of 61 behaviours, which participants were asked to consider in terms of cues to deceit or truth-telling. The 61 behaviours were classified into four categories; 17 speech behaviours such as 'stuttering' and 'shaky voice', 16 facial behaviours such as 'eye contact' and 'blushing', 13 body language behaviours such as 'shaking' and 'tense posture', and 15 statement contents such as 'plausible description of events' and 'superfluous details' (The full list of items can be seen at Appendix A). A seven-point Likert Scale (ranging from 'definitely lying' to 'definite truth') was used to indicate how strongly participants thought a particular behaviour was indicative of lying or truth-telling.

## Procedure

Following constructive feedback from a small pilot study, the design of the survey was simplified to aid participant completion, thus optimising the chance of receiving more responses. For example, rather than asking respondents to indicate their responses regarding each survey item using a numerical grading system as Akehurst et al. (1996) had done, the current study asked the participants to tick the appropriate box (on the seven-point scale) relating to whether they thought each behaviour was indicative of someone lying or not. Each indication of 'definitely lying' was scored -3, each indication of 'probably lying' was awarded -2, for each 'possibly lying' -1 was scored, zero was awarded for an indication of 'indicates neither', +1 was given for an indication of 'possible truth', +2 for 'probable truth' and, +3 for each indication of 'definite truth'. If respondents indicated more than one preference for a specific behaviour (which rarely occurred), the more neutral preference was coded.

A covering letter explained to each of the potential 183 participants that the information that they provide would be treated confidentially, and that such information would not be identifiable as theirs in any publication. In terms of anonymity, the names/addresses of the participants were not required. Participants' informed consent to their data being used in the study would be by way of completing the questionnaire and returning it.

## Results

Chi-square tests were conducted to identify which behaviours were considered (among all the participants) to be indicators of deception or of truth-telling. These sought to determine if for any of the 61 behaviours the distribution of the 105 magistrates' beliefs (on the seven point scale) differed from what may be expected by chance. Only for five behaviours was there any kind of 'significant' consensus. As 'probable' or 'possible' indicators of truth-telling (i) 'logical consistency of report' ( $n=76$  of the 105 magistrates) and (ii) 'plausible description of events' ( $n = 66$ ) had distributions different from chance. As 'probable' or 'possible' indicators of deceit so did (iii) 'evasive responses' ( $n = 91$ ), (iv) 'contradictions' ( $n = 79$ ), and (v) 'shrugs' ( $n = 49$ ). The magistrates' beliefs were found to be different in some ways from the

previously surveyed groups of criminal justice professionals. For example, previous surveys have found that police officers tend to associate others' deception with changes (usually increases) in verbal and non-verbal behaviours (Akehurst et al., 1996; Colwell et al., 2006; Vrij et al., 2006). This is contrary to the current study's general findings that magistrates believe the vast majority of verbal and non-verbal behaviours not to be indicative of deception/truth-telling. However, the current results are somewhat comparable with those of previous surveys. For example, Akehurst et al. (1996) and Vrij et al. (2006) found that their samples considered that evasive responses, shrugs and contradictions would increase when lying; and that plausible description of events and logical consistency of report were associated with truth-telling. Colwell et al. (2006) did not test for plausible description of events or contradictions, but their findings in relation to evasive responses, shrugs, and logical consistency of report are also in line with the findings of the current study.

In order to determine whether magistrates with the three different levels of experience differed in their judgements of whether certain verbal and non-verbal behaviours were indicators of deception, the data were analysed using the Kruskal-Wallis test. Follow-up Mann-Whitney tests were conducted where appropriate. With regard to the possible effect of magisterial experience, as a first step a Kruskal-Wallis one-way analysis of variance was performed across the three groups of magistrates for each magistrate's total belief score for all 61 behaviours (combined). This test revealed that overall magistrates with low experience regarded cues to deception somewhat differently from the other two groups. (This Kruskal-Wallis test produced a  $\chi^2$  of 7.76 with an associated probability value of .02.)

This significant outcome justified carrying out a Kruskal-Wallis one-way analysis of variance on each of the 61 verbal and non-verbal cues (separately) in order to determine which particular behaviours showed differences between the three magisterial groups. Table 1 presents the Kruskal-Wallis test statistics and relative probability values for the verbal and non-verbal behaviours where a significant effect was found. The only statistically significant speech behaviour that was different across the three groups was faltering speech ( $\chi^2 = 9.70$ ,  $p < .05$ ). The only facial behaviours that were significant across groups were biting of lips ( $\chi^2 = 6.52$ ,  $p < .05$ ) and unfriendly facial expression ( $\chi^2 = 10.45$ ,  $p < .05$ ). In terms of body language behaviours, only self-manipulation/manipulation of objects ( $\chi^2 = 7.70$ ,  $p < .05$ ) and tense posture ( $\chi^2 = 7.04$ ,  $p$

< .05) were found to be significantly different. The only statement content cue that was found to show a statistically significant effect across the three groups was description of other people's feelings ( $\chi^2 = 8.03, p < .05$ ).

**Table 1.** Kruskal-Wallis test statistics and p-values of differences across the three groups

<b>Behaviour</b>	<b><math>\chi^2</math></b>	<b>p-value</b>
10 – Faltering speech	9.70	.01
25 - Biting of lips	6.52	.04
32 - Unfriendly facial expression	10.45	.01
36 - Self-manipulation/manipulation of objects	7.70	.02
44 - Tense posture	7.04	.03
54 - Description of other's feelings	8.03	.02

Mann-Whitney tests were then conducted in order to determine the nature of these six significant differences across the three groups. Table 2 presents the value of the Mann-Whitney U for each of the three comparisons (low experienced with experienced, low experienced with highly experienced, and experienced with highly experienced) for the verbal and non-verbal behaviours found to differ across the three groups (adjusted for running multiple comparisons).

Differences between the experienced group and the highly experienced group reveal that experienced magistrates more strongly believed that 'faltering speech' was indicative of deception and that 'descriptions of others' feelings' was indicative of truth-telling than were those who were highly experienced. Differences between the low experienced group and the highly experienced group revealed that low experienced magistrates more strongly believed that 'biting of lips' was indicative of deception. Differences between the low experienced and experienced groups revealed that those magistrates with low experience more strongly believed that an 'unfriendly facial expression' was indicative of lying. Differences between the low experienced and both the experienced and highly experienced groups reveal that those magistrates with low experience more strongly believed that a 'tense posture' and 'self-manipulations/manipulation of objects' was indicative of lying.

**Table 2.** Mann-Whitney test U statistics and p-values of differences between (pairs of) groups.

Behaviour	Comparisons between the	U	p-value
	magisterial groups		
Faltering speech	low experienced with experienced	308.5	.71
	low experienced with highly experienced	397	.23
	experienced with highly experienced	555	.01
Biting of lips	low experienced with experienced	250.5	.71
	low experienced with highly experienced	370.5	.01
	experienced with highly experienced	781.5	.67
Unfriendly facial expression	low experienced with experienced	191	.01
	low experienced with highly experienced	418	.09
	experienced with highly experienced	648.5	.05
Self manipulation or manipulation of others	low experienced with experienced	193.5	.01
	low experienced with highly experienced	378	.04
	experienced with highly experienced	724	.24
Tense posture	low experienced with experienced	233.5	.03
	low experienced with highly experienced	374.5	.01
	experienced with highly experienced	814	.80
Descriptions of others' feelings	low experienced with experienced	252	.26
	low experienced with highly experienced	406	.21
	experienced with highly experienced	554	.01

## Discussion

This study found that for most of the cues included in this comprehensive survey magistrates did not consensually believe them to be valid cues to deception/truth-telling. This is contrary to the findings of previous studies of 'professional' groups' beliefs (as described in the introduction). Only for five behaviours was there any form of consensus among the magistrates. As indicators of truth-telling these were 'logical consistency of report' and 'plausible description of events' and as indicators of deceit were 'evasive responses', 'contradictions' and 'shrugs'. Three of these five 'behaviours' clearly relate to the content of what people say, as does 'evasive responses'. No facial

behaviours were consensually thought to be indicative and only one bodily behaviour was thought to be so.

Vrij (2004b) and Vrij, Mann, Fisher, Leal, Milne, and Bull (2008) have suggested that the complex cognitive processes of constructing a mental representation when lying, rather than recalling a memory when telling the truth, increases cognitive load, which may especially affect speech content.

The extent of magisterial experience was found to have a significant relationship with beliefs for the cues of faltering speech, biting of lips, unfriendly facial expression, self manipulation/manipulation of objects, tense posture, and descriptions of others' feelings. Mid-experienced magistrates believed that faltering speech was a possible indicator of deception, and that descriptions of others' feelings was a possible indicator of truth-telling. This is in comparison with the magistrates with low experience and those with high experience who tended to believe that such behaviours were not necessarily indicative of deception or truth-telling. In addition, the current research found that magistrates with low experience believed that biting of lips, unfriendly facial expressions, self manipulations and manipulations of objects, and a tense posture were indicators of possible deception. This is in contrast to experienced and highly experienced magistrates who believed that such behaviours were not necessarily indicative of deceit or truth-telling.

The findings of the current study that some magistrates believed that giving descriptions of others' feelings was indicative of possible truth-telling, and that faltering speech and an unfriendly facial expression was indicative of possible deception, are somewhat in concordance with the findings of DePaulo et al. (2003). However, behaviours such as biting of lips and a tense posture have not previously been found to be indicative of deception. In terms of manipulations, previous research has shown that this type of behaviour tends to decrease when someone is lying (DePaulo et al., 2003), in contrast to the beliefs of the magistrates with low experience in the current study.

The current study found that the majority of (possible) cues studied were, regardless of magisterial experience, considered *not* to be indicative of either lying or truth-telling. Its findings that plausible descriptions of events and logical consistency of report were considered to be indicative of truth-telling, and evasiveness and contradictions of deception are in concordance with the findings of DePaulo et al. (2003) who suggested truth-tellers tended to give more compelling, engaging, and accurate accounts. However, DePaulo et al. (2003) also found that liars actually tend to

provide fewer details, are less forthcoming with information, frown more, and have higher vocal tension and pitch, but the results of the current study do not concur with this. DePaulo et al. (2003) found that spontaneous corrections of accounts and admitting a lack of memory were indicative of truth-telling; however, many of the current study's participants believed these to be 'neutral' behaviours.

Although for a few 'behaviours' there was a degree of consensus across the magistrates, these could be affected by the taking of 'countermeasures'. For example, although the magistrates in the current study believed that a plausible description of events was indicative of truth-telling, some liars might be/become aware of such a belief, and adjust or modify his/her behaviour to be consistent with that belief. Caso, Vrij, Mann, and De Leo (2006) found that participants were able to adapt their verbal behaviours in such a way that they were less likely to be found out as liars. Although more difficult to employ than verbal countermeasures (Caso et al., 2006), non-verbal countermeasures can also be used. For example, if a liar was aware that the magistrate sample in the current study found shrugs to be possibly indicative of deceit, he/she may try to stop that behaviour in order to appear more credible.

The current study has shown that the majority of magistrates, regardless of experience or age, predominantly regarded verbal and non-verbal behaviours as not being indicators of deception/truth-telling. As the current study found relatively few effects of magisterial experience, it is proposed that current magisterial training may have had an influence. These magistrates may have become aware of the risks of being influenced by invalid, but commonly believed, cues. It is possible that either magistrates' heuristic strategies for determining such judgements are different from many of the sample populations studied in previous research, or that magistrates rely less on cognitive heuristics to inform their decisions, and more on problem-solving algorithms. This latter proposal is more consistent with the objectives of the magistracy, insofar that magistrates are members of the community who have personal integrity and hold respect for others, with responsibilities of open-mindedness and objectivity. These qualities ensure that judicial decisions are made free from improper influences, and that such decisions are based on the merits of each case. Magistrates are expected to listen to evidence and legal representation, hear the facts of a case, consider guidance, and adhere to a structured approach when deciding outcomes in court that may affect personal liberty, reputation and rights. An implication of this study is that magistrates



may, indeed, adhere to these expectations. It is observance of these practices and process that ensure the magistracy's integrity, and its place at the cornerstone of justice in England and Wales.

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**APPENDIX A** – Full list of behaviours used in the study.**SPEECH BEHAVIOURS**

- 1 Pauses
- 2 Stuttering
- 3 Clearing of throat
- 4 False starts
- 5 Grammatical errors
- 6 Repetitions
- 7 Clichés
- 8 Evasive responses
- 9 Hectic speech
- 10 Faltering speech
- 11 Voice pitch
- 12 Monotonous voice
- 13 Shaky voice
- 14 Soft voice
- 15 Range of vocabulary
- 16 Length/detail of answers
- 17 Short, simple sentences

**BODY LANGUAGE**

- 34 Postural shifts
- 35 Shaking
- 36 Manipulation of self or objects
- 37 Gesticulation
- 38 Shrugs
- 39 Arm movements
- 40 Hand and finger movements
- 41 Leg movements
- 42 Feet movements
- 43 Turning body toward interviewer
- 44 Tense posture
- 45 Reserved posture
- 46 Nervous bodily expression

**FACIAL BEHAVIOURS**

- 18 Changes in line of sight
- 19 Eye contact
- 20 Twitches
- 21 Eye blinks
- 22 Frowning
- 23 Wrinkling of nose
- 24 Smiling
- 25 Biting of lips
- 26 Swallowing
- 27 Head movements
- 28 Blushing
- 29 Turning pale
- 30 Variations in facial expression
- 31 Tense facial expression
- 32 Unfriendly facial expression
- 33 Nervous facial expression

**CONTENTS OF STATEMENTS**

- 47 Plausible description of events
- 48 Logical consistency of report
- 49 Unstructured report
- 50 Amount of detail
- 51 Unusual detail
- 52 Superfluous details
- 53 Description of own feelings
- 54 Description of others' feelings
- 55 Description of unexpected complications
- 56 Description of interactions
- 57 Spontaneous corrections/additions
- 58 Admitting lack of memory/knowledge
- 59 Raising doubt about own testimony
- 60 Self-deprecation
- 61 Contradictions

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The *European Journal of Psychology Applied to Legal Context*, the Official Journal of the Sociedad Española de Psicología Jurídica y Forense, publishes empirical articles, theoretical studies and focused reviews of topics dealing with psychology and law (e.g., legal decision making, eyewitness). Only original papers (not published or submitted elsewhere) will be published. Papers driven to both legal systems, inquisitorial and adversarial, will be welcome as well as papers based in concrete laws of a European country. Neither the Editors nor Publishers accept responsibility for the views or statements expressed by the authors.

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**CONTENTS**

**Articles**

- Anger and self-reported delinquency in university students  
*Clive R. Hollin, Christopher Marsh, and Claire A. J. Bloxson* 1
- The conditions of respect of rules in young and elderly drivers:  
An exploratory study  
*Sandrine Gaymard, Philippe Allain, François Osiurak, and Didier Le-Gall* 11
- Magistrates' beliefs concerning verbal and non-verbal  
behaviours as indicators of deception  
*Andrew Brownsell and Ray Bull* 29
- Child court hearings in family cases: Assessment questionnaire  
of child needs during pre-trial proceedings  
*Joan Guàrdia, Maribel Però, Sònia Benítez, Adolfo Jarne,  
Mercedes Caso, Mila Arch, Asunción Molina, and Álvaro Aliaga* 47
- In search of psychosocial variables linked  
to the recidivism in young offenders  
*Lourdes Contreras, Virginia Molina, and María del Carmen Cano* 77