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# Assessment of Credibility of Testimony in Alleged Intimate Partner Violence: A Case Report

Teresa C. Silva, 

Department of Humanities and Social Sciences, Mid Sweden University, Sundsvall, Sweden

## ABSTRACT

Structured assessment of witness credibility in intimate partner violence (IPV) allegations has been well established for child custody purposes, although it is far from being systematically implemented, particularly when child custody is not at stake. Unstructured approaches may follow general, long-accepted guidelines in legal proceedings but ignore empirical knowledge about perpetrators and victims produced by years of cumulative research. Furthermore, judgments are at a high risk of being compromised by characteristics of the informant, the listener, and the situation. An accurate analysis of witness credibility is harder to accomplish and more essential when there is no conclusive evidence or when the alleged perpetrator denies the accusations and has no known history of interpersonal violence. To not believe real victims or wrongfully convict innocent individuals are miscarriages of justice that might be prevented to a certain extent if we improve credibility assessment accuracy. In this case report, I used a structured method that demonstrates how a conclusion about the credibility of an alleged victim of IPV can contrast with the conclusion produced by a trial judge. A structured credibility assessment of the alleged victim could have produced a different judgment. Implications for individuals, their families, and the justice system are discussed.


## KEYWORDS

Assessment; credibility of testimony; false allegations; intimate partner violence; victims

## Introduction

Extensive opportunity to assess the veracity of witnesses is usually considered in rules of evidence and courtroom procedures (Spellman & Tenney, 2010). For a long time, judges have had guidelines to determine whether a witness is telling the truth or not. Eggleston (1978, as cited in Genn, 2016) proposed a checklist with five areas that involve testing: (1) the consistency of the witness's statement with what is agreed or clearly shown to have occurred by available evidence, (2) the coherence among all the pieces of witness's evidence, (3) the compatibility among witness's several statements or depositions, (4) the credibility of the witness regarding matters not related to the litigation, and (5) the behavior of the witness. In cases of intimate

**CONTACT** Teresa C. Silva,  [teresa.silva@miun.se](mailto:teresa.silva@miun.se)  Department of Humanities and Social Sciences, Mid Sweden University, Holmgatan, 10, Sundsvall 85170, Sweden

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partner violence (IPV), these guidelines, although useful as a general approach, ignore the contribution of empirical knowledge produced by years of cumulative research. An evidence-based approach to legal practice needs to consider the social and psychopathological aspects and subcategories of perpetrators and victims, and the concurrence of different types of abuse (i.e., physical, sexual, emotional, economic). Knowledge about domestic violence typologies, IPV rates among men, women, and other gender collectives, and how they differ whether based on police, health setting, or self-reports should also assist the legal profession. Furthermore, since the early 1980s, researchers have been investigating the nature, characteristics and implications of false allegations, and the phenomenal components of memories for perceived and imagined autobiographical events. Also, when using unstructured procedures, variables such as characteristics of the informant, the listener, and the situation may easily influence the scrutiny of the witness's credibility (see Spellman & Tenney, 2010, for a review). Risk assessment researchers and practitioners have addressed similar issues by developing the structured professional judgment approach, an analytic method that specifies a fixed set of operationally defined criteria and a coding system. Taking advantage of such method should benefit legal proceedings.

When evaluating IPV cases, consideration of the perpetrator's and victim's psychological, behavioral, and attitudinal attributes is critical, especially when the available evidence is limited and testimonies are contradictory. Research is prolific in studies of male perpetrators and female victims, but very limited in cases of female perpetrators, male victims, or lesbian, gay, bisexual, transgender, and non-binary gender categories. Male perpetrators of IPV are considered a heterogeneous group. Holtzworth-Munroe and Stuart (1994) identified three subtypes of male perpetrators, based on the severity and frequency of violent behavior, the use of violence in other contexts than domestic, and the presence of psychopathology. "Generally violent" perpetrators resort to violence as a baseline pattern of behavior and frequently display traits and characteristics of antisocial or psychopathic personalities. "Family-only" perpetrators use violence only within the family and present less psychopathology, although they may display traits of passive dependent personality disorder. Finally, "dysphoric/borderline" perpetrators characteristically show symptoms of borderline personality disorder and/or depression and direct violence primarily against their partners, but they may also occasionally be violent to strangers or friends. Regarding victims, Pereira et al. (2020) reviewed 31 studies with female samples and concluded there is no particular personality pattern that directly causes victimization. However, the authors found that avoidant, self-destructive, borderline, and paranoid personality traits are prevalent among women who remain in abusive relationships. These women present with low self-esteem, insecurity, submissiveness, self-

blame, increased social isolation, and financial and emotional dependence on their abusers.

Evidence may be limited because the victim did not disclose the abuse to third parties or because the accusations are false. False allegations based on a convincing script may easily succeed throughout the legal process. Regarding violence in intimate contexts, building a convincing script is not difficult because the topic is widely discussed in public forums, where many victims have openly shared their stories. Portraying the perpetrator as a jealous man with callous-unemotional traits, who abuses alcohol and drugs and despises women, concurs with stereotypes supported by dominant theories and social movements that claim that gender inequalities and sexism within patriarchal societies are the basis of domestic violence (Bell & Naugle, 2008). Stories of coercive control and intimate terrorism, victim's isolation, and escalation of violence to the point of the victim's death often capture attention in mainstream and social media, reinforcing these stereotypes. However, when an individual has not experienced the overwhelming burden of violence inflicted by a partner, it is almost impossible to reproduce the psychological imprint that this type of abuse invariably generates. Conversely, the emotional and behavioral indicators of psychological harm produced by IPV are readily apparent, even in cases where intimate terrorism (Johnson, 2008) did not occur. Fear is a dominant emotion in IPV victim's lives, and is easily evoked even in contexts and environments unrelated to the abusive relationship (Jaquier & Sullivan, 2014; Troisi, 2018). Therefore, assessing the credibility of testimony is essential in both instances of false allegations and where real victims have hidden the abuse. By adding psychological aspects of perpetrator and victim to the evaluation, it is possible to improve the accuracy of the assessment, as I will demonstrate in this study.

Since the beginning of the century, the prevailing social climate has encouraged victims, especially women, to report the abuse they suffer behind closed doors. The discrepancy between the number of cases reported to authorities and those revealed in crime victimization surveys indicates that many cases are still underreported (Morgan & Truman, 2018). This underreporting might be even more prevalent regarding male victims. In 2012, while analyzing data from the US National Intimate Partner and Sexual Violence Survey, Hoff (2012) found that men are victims of IPV as often as women and in 2011, 40% of the severe physical violence was directed toward men. This finding contradicts the data provided by police reports, where women are greatly overrepresented. Among the LGBTQ community, some authors assert that IPV rates are similar to or greater than rates for heterosexual couples (Chen et al., 2013; Rollè et al., 2018) but the actual number is largely unknown. Violent victimization in intimate contexts is also frequently hidden by older women (Gracia, 2003; Zink et al., 2004). Stigmatization (Overstreet & Quinn, 2013), fear of retaliation from partners (Vranda et al., 2018), lack of social and

economic support, and a concern for the wellbeing of their children (Eckstein, 2011) are common motives that lead victims to conceal abuse and stay in abusive relationships. To solicit help, men victims must first overcome internal and external obstacles regarding widely socially-accepted gender notions of male and female roles in relationships (Galdas et al., 2005). For members of the LGBTQ community, the hostile and stressful social environment they usually suffer due to stigma, prejudice, and discrimination (Meyer, 2003) might discourages them to seek help even among their informal social network. Once victims decide to report the abuse – due to humiliation, an escalation in violence, they feel compelled to protect others, have increase awareness of their options to access to support, recognize that the abuser is not going to change, or because the partner has been unfaithful (Chang et al., 2010) – they may not be believed. The risk of not being believed is higher in cases where the victim has not documented the abuse, has never reported to the authorities, has falsely informed health professionals (e.g., downplayed the injuries), or has not collected evidence.

On the other hand, false allegations in legal cases are a serious problem and have a detrimental effect on law enforcement and the justice system (Hoyle et al., 2016). Deceit and falsehood by individuals involved in judicial proceedings, with the intent of manipulating the legal system, can often lead to miscarriages of justice with dire consequences for those falsely accused, their families, and society in general. Motives related to economic or personal gain, self-interest, or revenge are usually the basis of intentionally false complaints. It is necessary to implement a systematically structured assessment of the credibility of testimony to prevent the perversion of justice and wasted police time – both of which are considered offenses in some countries. The goal is to hinder the judicial proceeding's impact on the lives of the innocent individuals wrongly accused. For example, research shows that in occupations of trust, false allegations of abuse have irreparable effects on individuals' employment and financial situations, psychological and physical health, and family member's health and wellbeing (Hoyle et al., 2016). Regarding IPV, individuals arrested are almost immediately labeled “batterers” regardless of whether they are guilty or not, and the negative psychological consequences remain, even after exoneration or overturned convictions (Brooks & Greenberg, 2021). This effect is intensified online and in social media, where hearsay spreads rapidly and the public opinion judges and condemns without having the capacity to assess evidence and often without much concern for the truth. In the case of allegations against men, social movements such as #MeToo and #TimesUp have been powerful promoters that “all women must be believed,” implying that men are guilty until proven innocent.

The rate of false allegations in legal proceedings is largely unknown (Fawcett, 2014; Haselschwerdt et al., 2010). In 2013, a study commissioned by the Director of Public Prosecutions in the UK found that the number of

individuals prosecuted for falsely accusing someone of rape or domestic violence (92% women and 8% men) was low (Levitt & Crown Prosecution Service Equality and Diversity Unit, 2013). Nonetheless, this number might represent just the tip of the iceberg. The lack of economic resources to pay for legal proceedings, few psychological and social resources to cope with the emotional burden, skepticism that justice will be delivered, or fear that the case might become more damaging, might deter falsely accused individuals from pursuing justice. Harming the partner is always the underlying motivation to produce false allegations, but there is often an instrumental purpose, and the scientific literature points out the differences between men and women. Some studies have found that it is women who primarily use or threaten to use false accusations of violence as a way of dominating male partners (Henning et al., 2006; Hines et al., 2007) or with the specific purpose of getting them arrested (Cooke, 2009; Douglas et al., 2012). Conversely, Trocmé and Bala (2005) suggested that in child custody disputes, women are primarily the victims of false allegations. The assessment of an accusation's veracity is fundamental in any case, independent of the gender of the alleged victim and perpetrator.

The necessity of utilizing structured credibility assessment of testimony in rape and sexual assault cases to prevent the wrongful conviction of innocent individuals and the revictimization of real victims (e.g., fear of disbelief, unjustified blame) is a widely discussed issue. Statement Validity Analysis (Köhnken & Steller, 1988), Criteria-Based Content Analysis (Steller & Köhnken, 1989), and Reality Monitoring (Johnson & Raye, 1981) are theoretically- and empirically-grounded methods (e.g., Hauch et al., 2017; McDougall & Bull, 2015; Obelander et al., 2016; Volbert & Steller, 2014) whose results are accepted as evidence in trials for sexual crimes in the US and some European courts (Vrij, 2005). Several authors have pointed out the importance of systematically validating alleged victims' statements in divorce proceedings in which the custody of children is at stake (e.g., Austin & Drozd, 2012; Austin et al., 2004; Hamel, 2020; Mazch & Widrig, 2016). Austin (2000) proposed a framework and assessment guidelines that have been recommended by authorities in the US to assist with such cases (e.g., Jaffe et al., 2008; Johnston et al., 2009). These guidelines merge with Eggleston's and with current psychological empirical knowledge.

The benefit of using structured assessment over unstructured judgments has been well established for forensic clinical purposes and evaluation of risk for violence and reoffending (e.g., Andrews et al., 2006; Douglas & Kropp, 2002; Levin et al., 2016; Monahan et al., 2001). To the best of my knowledge, an evidence-based structured evaluation tool has not yet been developed for the general assessment of witness credibility in IPV cases. However, I found the Six-Factor test proposed by Austin (2000) a suitable and useful approach. In this case, I applied it to demonstrate the type of judgment a rational and scientifically grounded procedure can produce.

## The case

I purposefully selected this case because of the significant amount of publicly available information, which granted the possibility to perform an assessment without interviewing the alleged perpetrator and victim. The case is a libel claim presented in an English court over allegations of severe and repeated physically assaulted to a women (Ms. Heard) by her former husband (Mr. Depp), which allegedly caused her significant injuries and led to her fearing for her life. The claim was filed by Mr. Depp (the claimant) against the News Group Newspapers, the publishers of The Sun newspaper, a UK tabloid, and its executive editor (the defendant), who published the allegations in a 2018 article that initially labeled Mr. Depp a “wife-beater.” Although the newspaper retroactively edited the article’s headline to remove the “wife-beater” label, the article remained otherwise the same. The article specifies:

Overwhelming evidence was filed to show Johnny Depp engaged in domestic violence against his wife Amber Heard [...] Heard – backed up by numerous friends on the record – recounted a detailed history of domestic abuse incidents, some of which had led to her fearing for her life. According to the court documents, there were kicks, punches, shoves and “all-out assault”<sup>1</sup>

Upon publication of the article, Mr. Depp lost movie roles in the film industry, and the mainstream media heavily portrayed him as a perpetrator of domestic violence.

In support of the defendant, Ms. Heard reported 14 separate incidents of physical assault over a three-year period (2013–2016). In three of these incidents, she also reported sexual assault. Information related to the alleged sexual assaults was treated confidentially and, therefore, excluded from the analysis. [Table 1](#) displays a summary of Ms. Heard’s account of the injuries she suffered during the alleged 14 incidents of physical assault and the evidence she provided.

Online Source 1 offers further details of the violence of each of the 14 alleged incidents reported by Ms. Heard in her own words. The court trial was called to determine whether the article was true, i.e., whether the alleged incidents had, in fact, occurred. Mr. Depp denied ever assaulting or being physically violent against Ms. Heard. Moreover, during his declaration, Mr. Depp reported that Ms. Heard was the abusive partner in their relationship. Several witnesses who had been in close contact with both parties during their marriage, and thus saw the couple interact in numerous occasions, testified in support of Mr. Depp, declaring they witnessed direct violence by Ms. Heard against him. Allegedly, as a direct consequence of Ms. Heard’s violent behavior, Mr. Depp was once severely injured, requiring

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<sup>1</sup>The article is available at <https://www.thesun.co.uk/tvandshowbiz/6159182/jk-rowling-genuinely-happy-johnny-depp-fantastic-beasts/>

**Table 1.** Summary of Ms. Heard’s account of the injuries she suffered during the alleged 14 incidents of violence, and evidence provided by her.

Date and location	Injuries reported by Ms. Heard	Presence of third parties	Other evidence provided by Ms. Heard
1. Early 2013, Mr. Depp’s house, LA	No reported injuries	None	
2. March 2013, Ms. Heard’s house, LA	Injury that drew blood, “some of which ended up on the wall”	None	Exchange of text messages between the spouses, and between Ms. Heard and multiple persons; photo of a bruise on the arm
3. June 2013, motel, Hicksville	No reported injuries	None	
4. 05/24/2014, private airplane, Boston to LA	No reported injuries	Mr. Depp’s friend, two personal assistants, personal security, Ms. Heard’s friend, flight attendant	Text messages exchanged between the spouses, and between Ms. Heard and Mr. Depp’s assistant
5. August 2014, Mr. Depp’s real estate, Bahamas	No reported injuries	Tara Robins and a man	Text messages exchanged by Ms. Heard and a nurse; photograph session showing no injuries
6. 12/17/2014, unknown	No reported injuries	Unknown	Text message from Mr. Depp to Ms. Heard
7. January 2015, hotel, Tokio	No reported injuries	None	
8. March 2015, house rented by Mr. Depp, Australia	Injured lip and nose, feet and arms cut on broken glass	None	Picture of arm with four colloidal scars taken years later; health professional notes
9. March 2015, shared home, LA	No reported injuries	Ms. Heard’s sister, security guard	Text message from security guard to Mr. Depp’s assistant
10. August 2015, train, travel in Southeast Asia	No reported injuries	None	Photo with several people; no visible injuries
11.	November 2015, shared home, LA	Lump on the back of head and a busted lip	None
12. 12/15/2015, shared home, LA	Clumps of hair pulled out, bleeding nose, bruises on the face, swollen nose, and bleeding lip	None Call nurse and clinic visit because due to concern about a concussion	Notes of health staff about alleged injuries; photos of face and scalp; photos of a clump of hair; multiple text messages from Ms. Heard to different persons
13. 04/21/2016, common house, LA	No reported injuries	None	
14. 05/21/2016, shared home, LA	Bruise on the face	Ms. Heard’s friend; police officers were later called	Photos of face and legs; multiple text messages from Ms. Heard to different persons

hospitalization and surgery. However, since the alleged abuse perpetrated toward Mr. Depp was not a matter for the court during this trial, I will make no reference to it in the analysis. Suffice it to say that the couple received marital therapy at some point, after which the health professionals involved referred to their relationship as a “toxic marriage.”

In this trial, the defendant had to prove that the allegations of abuse occurred (i.e., application of the UK Defamation Act 2013 s.2). In other



words, the defendant had to prove that Mr. Depp beat Ms. Heard, causing her to suffer significant injury and leading to her fearing for her life. Being a libel case, the balance of probability applies (i.e., the court is called to determine whether the occurrence of the event was more likely than not), and therefore, the standard of evidence is lower than in a criminal case.

In total 30 witnesses, eight in support of Ms. Heard and 22 in support of Mr. Depp, provided testimony. Online Source 2 provides details related to these witnesses. In his unstructured judgment, the judge continually found the testimonies produced by Ms. Heard, her friends, and sister credible, heavily relying on them despite the availability of other evidence and more credible testimonies, thus concluding that physical violence occurred in 12 of the 14 incidents.

## Material and methods

The information was collected mainly from court documents publicly available online,<sup>23</sup> In particular, I considered (1) the seven witness statements of Ms. Heard for the High Court of Justice Queen's Bench Division Media and Communications, (2) eight witness statements and depositions in support of Ms. Heard's testimony, (3) 22 witness statements and depositions in support of Mr. Depp's claim, (4) audio recordings with private conversations between the spouses, (5) a video of Mr. Depp recorded by Ms. Heard, (6) notes produced by health professionals (nurses, a doctor, and a psychotherapist) concerning their assistance to Ms. Heard, (7) multiple photos and text messages between different persons – produced by Ms. Heard as evidence to support her statement, and (8) CCTV footage produced by Mr. Depp as evidence to support his statement. I included the declarations of Mr. Depp and his cross-examination in the analysis to assess his substance abuse problems because I did not have access to his medical history. Furthermore, to complement the evaluation, I searched the internet for information related to Mr. Depp's current or past behavior regarding violence, drug use, and problematic behavior of any kind, specifically assault or aggression while under the influence of drugs or alcohol. Online Source 3 identifies all the online sources used.

The assessment included the Six-Factor test proposed by Austin (2000), and the Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER; Kropp & Hart, 2004). The Six-Factor test specifically assesses the credibility of allegations of violence against a partner. In a thorough search of the scientific literature, I was unable to find other instruments or approaches developed with the specific purpose of assessing the credibility of testimony in cases of

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<sup>2</sup><https://www.fairfaxcounty.gov/circuit/high-profile-cases>.

<sup>3</sup><https://www.nickwallis.com/depp-trial>

IPV. The B-SAFER was developed to assist criminal justice professionals in assessing and managing the risk for partner abuse, meaning that it is used for predictive purposes. It includes the 10 risk factors that empirical evidence has shown best predicts IPV recidivism. I used the 10 risk factors considered in this tool to determine the probability that Mr. Depp was, in fact, an IPV perpetrator and characterize the seriousness of the abuse in the context of the scientific literature (Cantos et al., 2015; Petersson & Strand, 2020).

### **Six-factor test**

The Six-Factor test is proposed to be employed in IPV cases when there is no legal substantiation of the alleged violence. The test evaluates the plausibility of the allegations through the analysis and convergence of multiple data sources (Factors 1, 2, 3, and 4) and merges it with the psychological characteristics of the alleged perpetrator (Factor 5) and alleged victim (Factor 6). It employs the same approach as other applications of the risk assessment model, presenting the result in terms of the degree of confidence of the allegations. To the best of my knowledge, there are no studies that validate this instrument, but it has been proposed to be included in the forensic protocol for the integrated framework for child custody evaluation in cases of suspected IPV (Austin & Drozd, 2012). The six factors evaluate the following information: Factor 1 – *Objective verification* – observes the frequency and severity of data in police complaints, medical records, or other observations by neutral third parties. (I also used pictures and video material provided as evidence to assess this factor.) Factor 2 – *Pattern of abuse complaints* – considers official reports and unofficial complaints to others, making the allegations more credible if reports and complaints surface before the divorce dispute, even without prosecution. Factor 3 – *Corroboration by credible others* – analyzes information collected by credible (i.e., neutral) third parties, which is crucial in the absence of prior prosecution. As Austin (2000) indicates, relatives and friends are considered biased witnesses and untrustworthy because affective bonds might cause them to have a personal interest in confirming the testimony of their party. In addition, persons with a dependent relationship (e.g., employees, ongoing contracts) might have a financial conflict of interest besides other constraints that may occur in a relation of power, and therefore feel compelled to corroborate their party's account of the events; in this regard, they are also considered non-credible witnesses. The more neutral the third party is, the higher the credibility. Factor 4 – *Absence of disconfirming verbal reports by credible third parties* – considers whether credible third parties who had ample opportunity to observe or interact with the couple provide information that disconfirms the abuse allegations. Factor 5 – *Psychological profile and past history of abusive behavior by the alleged perpetrator of marital violence* – uses the risk assessment approach. (In this case, I applied the B-SAFER detailed

below.) Factor 6 – *Psychological status of the alleged victimized spouse* – addresses the psychological imprint of the abuse considering what scientific research has revealed about victims. For example, individuals who have been victims of abuse are at an increased risk of developing anxiety, depression, posttraumatic stress disorder, and substance use disorder (e.g., Dokkedahl et al., 2019; Nathanson et al., 2012; Yu et al., 2019).

The assessment provides a rationale for the identified level of credibility (i.e., high, low, or ambiguous).

### **The B-SAFER**

The B-SAFER comprises risk factors organized in two clusters. The first cluster contains six risk factors (1–6) that cover a general antisocial component and relate to the alleged perpetrator’s history of spousal violence. The second cluster contains four risk factors (7–10) related to the alleged perpetrator’s history of psychological and social functioning. Using qualitative analysis, Kropp and Hart (2004) showed that the instrument achieved a high level of inter-rater reliability. A validation study conducted on a sample of male IPV perpetrators and controls (Au et al., 2008) reported a predictive accuracy for 95% of the cases, and the scores correlated positively with both the psychological and physical abuse scales of the Conflict Tactic Scales (Straus et al., 1996), a self-report instrument used to assess interpersonal violence. The 10 risk factors are assessed as follows: (1) *serious physical violence* examines the history of abuse perpetration of current and former partners. (2) *Serious violent threat, ideation, intent* considers credible threats of death, harassing, and stalking behavior in any form (e.g., surveilling, following, unwanted communications). Any behavior or threat capable of producing significant fear in the victim is considered relevant. (3) *Escalation of violence or threats* means that the violence deployed during the assaults or the threats have increased in frequency or severity over time. (4) *Violations of civil or criminal court orders* considers specifically those related to IPV criminal behavior. (5) *Negative attitudes about spousal assault* includes indicators of possessiveness, strong sexual jealousy, attitudes demonstrating misogyny and patriarchy, and minimization or denial of the consequences of violent behavior. (6) *Other serious criminality* includes violent offenses, property offenses, drug-related crime, public disorder or other crimes not related to spousal assault. (7) *Relationship problems* includes serious marital discord, conflict, continual arguments, quarrels, and fights. (8) *Employment and/or financial problems* includes poor work performance, absenteeism, frequent job changes or long-term unemployment. (9) *Substance abuse*, including alcohol abuse, has been extensively associated with IPV (see for a review, Choenni et al., 2017), although some studies suggest that the association might be moderated by an aggressive personality component, and the presence of antisocial attitudes

(e.g., Jaffe et al., 2009). (10) *Mental disorder* includes major mental disorders of the psychotic spectrum, extreme depression or anxiety, and personality disorders, especially those that involve empathy impairments (i.e., narcissistic, borderline, and antisocial), which have been identified as strong risk factors for IPV (e.g., Romero-Martínez et al., 2016).

The factors are rated as *not present*, *partially present*, or *present*.

## Analysis

After getting acquainted with the material and searching for complementary information online, I proceeded as follows: for the Factor 1 (*objective verification*), I cross-checked information in police records, health professionals' notes, photos provided as evidence, and CCTV footage. Regarding Factor 2 (*pattern of abuse complaints*), I checked the consistency of information provided by Ms. Heard in her statements and messages she exchanged with others. Regarding Factors 3 and 4 (*corroboration by credible others* and *absence of disconfirming verbal reports by credible third parties*), I first classified the witnesses as credible or non-credible sources, then verified the information reported only by the credible ones. However, I considered the consistency between Ms. Heard's testimony and the testimony given on her behalf (i.e., non-credible sources) regarding details about the incidents of violence. To characterize Factor 5 (*psychological profile and past history of abusive behavior by the alleged perpetrator of marital violence*), I verified the information in Ms. Heard's statements, medical notes, exchange of messages, a video of Mr. Depp recorded by Ms. Heard, and information online. Finally, to characterize Factor 6 (*psychological status of the alleged victimized spouse*), I searched for indicators of depression and traumatic stress in Ms. Heard's statements and the notes from health professionals. Furthermore, I searched for indicators of trauma bonding and typical victimization in verbal behavior (e.g., begging for forgiveness, trying to comply with the abuser's wishes) in an audio recording of a conversation between the spouses.<sup>4</sup> To address this factor, I considered Ms. Heard's statements, clinical notes by health professionals, and a consensually recorded conversation between Ms. Heard and Mr. Depp.

## Results

### Objective verification

Ms. Heard never reported to the police as having been a victim of physical assault by Mr. Depp. An anonymous person first and, later, a friend of Ms. Heard contacted the police on the night of the last reported alleged incident

<sup>4</sup>Full audio available at <https://www.youtube.com/watch?v=IslHx-nHjzc&feature=youtu.be> (Access March 15, 2021).

(Incident 14). Two different patrols attended the calls, but Ms. Heard did not report abusive behavior by Mr. Depp to any of the officers. Two officers – one with extensive experience in investigating and detecting domestic violence – testified that they saw no injuries or indication that Ms. Heard had been harmed, and they did not see traces of property damage, vandalism, or any other clue that made them suppose an altercation had occurred.

Ms. Heard offered evidence that she visited a private medical clinic after one of the alleged incidents, which, according to her, caused her bruises on the face, a swollen nose, a bleeding lip, and a hurting scalp. In the medical annotation, two things stand out. First, there is no indication of the injuries Ms. Heard reported. Second, the note indicated that Ms. Heard had “last [been] seen in the office” at a later date than she indicated the incident had occurred, raising the suspicion that the medical annotation might not be related to the incident at all.

Although Ms. Heard reported she had serious visible injuries in several of the alleged incidents (e.g., cut feet and arms, bleeding nose, lump on the head, busted lip), and the violence she described suggests that she suffered major harm (e.g., falling on a ping-pong table and breaking it, being dragged by her hair through the apartment, hitting her head against the apartment’s exposed brick wall), she never received medical attention for injuries even when a doctor and nurse were present to attend Mr. Depp’s injuries (Incident 8). In Incident 12, Ms. Heard reported, “my ribs were hurt, my movement was stiff [. . .] I was in pain.” However, a nurse that visited her only took note that she did not see the hematomas Ms. Heard had described, which implies she had physically explored her and did not notice injuries besides a bleeding lip.

After Incident 13, Ms. Heard disclosed by text message to the nurse who used to visit her that Mr. Depp had assaulted her. Nonetheless, the nurse replied saying, “It sounds very scary,” but did not ask if Ms. Heard was injured, needed medical attention, or any other question to be expected from a health professional in a situation of known or suspected IPV.

In total, I reviewed, 10 annotations of nurses, a medical doctor, and a psychotherapist, mainly regarding Incidents 8 and 12. There is no record of physical injury seen on Ms. Heard, besides a bleeding lip. The health professionals refer to the altercations between the spouses as “arguments” and labeled the marriage a “toxic relationship” and “relationship volatile and destructive.” I saw no indication that the health professionals involved suspected an IPV situation, nor did they take any action despite the multiple times Ms. Heard said she complained to them.

Ms. Heard provided multiple photos taken by herself, her friends, and third parties, supposedly to support her statements. Of all the photos taken on the days the alleged incidents occurred, none reveal the severity of the injuries Ms. Heard reported or other signs that one might expect after the alleged violence she claims she suffered. Photos taken with friends and colleagues shortly after

alleged Incidents 2 and 12 show no apparent injuries to her face, which Ms. Heard explained was due to the use of heavy makeup. However, heavy makeup could not possibly have covered swollen areas. Ms. Heard also provided a photo of herself, taken shortly after Incident 2, in front of a mirror with a bruise on her arm. The metadata shows she took the photo the day after the alleged incident. However, on that day, Ms. Heard sent the picture to her mother with the reference “from two weeks ago,” which demonstrates that the bruise could not have been caused by Mr. Depp, as she stated. Regarding Incident 8, Ms. Heard took several photos of damaged property, allegedly caused by Mr. Depp, but she did not photograph the multiple cuts on her arms and feet that she claims she suffered. Regarding Incident 12, Ms. Heard took photos of her face with dark areas under her eyes, but none of the nurses who visited her made any note of this. In one photo, Ms. Heard appears to have a drop of blood on her lip but no pattern of traumatic injury on her lips or mouth. Several photos show Ms. Heard’s face with a red area surrounding her right eye the day she filed for a temporary restraining order (TRO) as evidence of the violence that allegedly occurred during Incident 14. However, CCTV footage from the building where she lived showed no injuries on her face the days immediately after the alleged incident took place, and there were also no marks on her face in public photographs taken the day after she filed for the TRO.

### ***Pattern of abuse complaints***

In her statements, Ms. Heard indicated:

Throughout the relationship, others noticed I had cuts and bruises. I made excuses. People asked me ‘Is he hitting you?’ I would deflect it; I wasn’t sharing it with people because I was trying to protect him and our relationship – and to protect myself from the humiliation that I felt about anyone knowing that I would allow this to happen to me. I became an expert in covering up the bruises and injuries. Later in the relationship, it became impossible to hide. I was reserved but increasingly open with the few people I could trust about what was happening to me.

On the contrary, Ms. Heard supplies evidence showing that from the beginning of her relationship with Mr. Depp, she continuously text-messaged her parents, sister, friends, medical staff, and commented to others who were working for her, reporting to them that Mr. Depp had assaulted her. In this case, the unofficial complaints surfaced before the divorce, which is a positive point for credibility, but it is noteworthy that Ms. Heard reported to multiple persons contrary to her statement. Ms. Heard was not socially isolated; she interacted with multiple persons the days the alleged incidents occurred or immediately afterward, including her sister, her friends, Mr. Depp’s friends, persons who worked for her, persons who

worked for Mr. Depp, nurses, and personnel of the building. In addition, four of the alleged incidents occurred in public places (motel, hotel, airplane, and train). Furthermore, Ms. Heard reported that some of the incidents were witnessed directly by others, such as her sister, friends, and people related to Mr. Depp. However, no evidence was presented suggesting that any of them intervened on her behalf at the time the alleged incidents occurred. She was never taken to a medical setting, encouraged to report the alleged abuse, or given shelter considering her fear for Mr. Depp. On the contrary, text messages from Ms. Heard's parents to Mr. Depp demonstrate that they continued to have a friendly relationship throughout the marriage, and Ms. Heard's friends continue to neighbor her, rent-free, in dwellings owned by Mr. Depp.

### ***Corroboration by credible others***

Among the 30 witnesses who supported either Ms. Heard's or Mr. Depp's statements, I considered friends, close acquaintances, current employees, and those with a contractual relationship with them non-credible because of their affective personal relation or possible financial conflict of interest in the case. This excluded all eight witnesses from Ms. Heard's side and seven out of 22 from Mr. Depp's side. From the 15 testimonies considered credible, two, Mr. Depp's ex-partners, were considered only for the analysis of Factor 5, specifically to characterize his history of abusive behavior. No credible witnesses corroborated Ms. Heard's account of events.

As a side note, the statements of the non-credible witnesses by Ms. Heard partially corroborated her account of the events, based on what Ms. Heard herself disclosed to them or what they heard from other friends. Ms. Heard's sister was the only witness who reported seeing Mr. Depp punch Ms. Heard on one occasion. A friend testified that she witnessed Mr. Depp's intent to perform a violent act, although she did not directly witness him beating Ms. Heard.

When comparing Ms. Heard's statements with those of the non-credible sources who testified on her behalf discrepancies emerge in the details of several of the incidents. For example, Ms. Heard stated about Incident 9: "I also remember Johnny and I were shouting at each other and at some point he started hitting me. Everything happened very quickly. I recall Whitney standing between Johnny and I when he was trying to attack me." However, in her statement, Whitney (Ms. Heard's sister) testified:

Johnny was still on the ground floor [...] then started coming up the stairs toward us [...] I was on the top of the stairs [...] and I stood [...] facing Amber but between them [...] somehow I was pushed out of the way so I wasn't between them [...] when Johnny grabbed her by the hair.

### ***Absence of disconfirming verbal reports by credible third parties***

I considered the following third parties credible and as of interest while assessing this factor: (1) two estate managers who had no contractual relationship with Mr. Depp at the time of their deposition, (2) three concierges of the building where the couple had their shared home, (3) a stylist who had occasionally worked with Ms. Heard and Mr. Depp, and (4) two police officers.

The estate managers declared they had never witnessed Mr. Depp being violent or committing any act of physical assault against Ms. Heard. They explicitly stated that they had never noticed any cuts, bruises, redness, marks, or swelling on Ms. Heard's face or any visible part of her body. One of these witnesses also stated that Ms. Heard had altered pieces of evidence (i.e., changed how a clump of hair and a split bed frame appeared in photos).

The three concierges testified that they saw Ms. Heard at close distance and apparently make-up-free on the days she stated she had visible injuries on her face. All three witnesses reported that they saw no marks or bruises, thus disconfirming Ms. Heard's testimony.

Likewise, the stylist disproved Ms. Heard's testimony regarding Incident 12, in which she proclaimed that a makeup artist had covered bruises on her face. The stylist related, "I could see clearly that Ms. Heard did not have any visible marks, bruises, cuts, or injuries to her face."

The testimony of the police officers contradicted that of Ms. Heard and two of her friends. The officers were called after Mr. Depp allegedly threw a mobile device, hitting Ms. Heard on the face and leaving a visible red mark surrounding her right eye that she photographed. However, the officer who spoke with Ms. Heard in closer proximity testified that she had no visible marks.

### ***Psychological profile and past history of abusive behavior by the alleged perpetrator of marital violence***

Ms. Heard describes Mr. Depp as presenting many of the characteristics found in male perpetrators of IPV. According to her, Mr. Depp is a possessive and controlling man, whose jealousy was the primary motive for his alleged violent behavior, which escalated because of his drug and alcohol abuse. She reported that, in general, anger preceded the alleged episodes of physical violence, and his rage would intensify to the point that Mr. Depp lost control. This description fits the "family-only" perpetrator who only commits violent acts in domestic contexts (Pettersson & Strand, 2020). The violence this type of perpetrator commits is reactive by nature, generally in a response to a perceived threat (e.g., suspicion the partner is cheating on them) (Ennis et al., 2017). On the other hand, Ms. Heard also characterized Mr. Depp as a self-centered and arrogant person with a lack of empathy, who occasionally behaved recklessly, showing no concern for the safety of others. She also stated



that Mr. Depp was capable of self-control; thus, he would not assault her in the presence of third parties. This description fits a type of IPV perpetrator who is more goal-oriented, instrumentally violent, and who generalizes the violent behavior to contexts besides domestic. This type is referred to as “generally violent” in the scientific literature (Lee et al., 2018). These two types of IPV perpetrators differ significantly in their personalities and the psychological mechanisms behind their violent behavior. It is not consistent with current empirical knowledge to find both types of profiles in one perpetrator.

After analyzing the information available, I found no evidence that Mr. Depp matches the profile of a “family-only” or “generally violent” type of IPV offender. In 2013, the year that Ms. Heard reported the alleged violent episodes started, Mr. Depp was 50 years old and had no previous history of being violent against intimate partners. Mr. Depp’s history of violence is restricted to one episode in 1999 when he threatened photographers with a wooden plank because they were trying to gain access to his then pregnant partner. In 2018, a lawsuit was filed against Mr. Depp, accusing him of assaulting a man on a movie set. However, several witnesses testified on behalf of Mr. Depp, denying the accusations. According to the information I have, Mr. Depp has no convictions for violence in the UK, US, or any other jurisdiction. It is improbable that someone of Mr. Depp’s age would suddenly develop a pattern of severe violent behavior in the absence of previous history of violence and no documented severe mental health problems (e.g., Liu et al., 2013).

The evidence Ms. Heard provided allegedly shows that Mr. Depp committed several acts of property damage, including defacing a painting (Incident 2), destructing a bathroom light fixture (Incident 3), writing graffiti with blood and painting on walls and mirrors (Incident 8), and writing a message to Ms. Heard with a marker on a kitchen countertop (Incident 13). In 1994, Mr. Depp was charged with felony mischief when he caused significant damage to a hotel room. One video recorded by Ms. Heard shows Mr. Depp in a rage slamming cabinets in their kitchen. The video shows Mr. Depp destroying property, but he is not physically violent against Ms. Heard at any moment nor does she show any indication of being afraid of him.

In sum, Mr. Depp has a history of destroying property but not of being violent against persons.

### ***Serious physical violence***

Besides the alleged violent incidents reported by Ms. Heard, there is no indication that Mr. Depp has ever committed acts of serious physical violence against other intimate partners or other persons.

### ***Serious violent threats, ideation, intent***

Of approximately 70,000 text messages exchanged between Mr. Depp and numerous others during his marriage with Ms. Heard, the defendant selected

one as evidence that Mr. Depp threatened her. In this message sent to a friend, Mr. Depp wrote, “Let’s drown her [Ms. Heard] before we burn her!!! I will fuck her burnt corpse afterwards to make sure she’s dead.” Nonetheless, this message was never sent to Ms. Heard, nor was it meant to be seen by her. Apart from the testimony of Ms. Heard, there is no evidence that Mr. Depp had either seriously threatened or intended to commit serious violence against her.

#### ***Escalation of violence or threats***

As previously stated, beyond Ms. Heard’s testimony, there is no evidence of the existence of physical violence committed by Mr. Depp against her or any other person, nor escalation of threats.

#### ***Violation of civil or criminal court orders***

Ms. Heard filed a TRO against Mr. Depp in May 2016. The restraining order was violated by Ms. Heard, who voluntarily and without being requested by Mr. Depp met him alone in a hotel room. There is no evidence that Mr. Depp purposefully violated the TRO or committed any other act of violation of civil or court orders.

#### ***Negative attitudes about spousal assault***

According to Ms. Heard, Mr. Depp did not respect women, especially women who do not behave according to traditional feminine norms. For example, in her statement, Ms. Heard reported she stopped wearing revealing dresses because that was a motive for verbal and psychological abuse by Mr. Depp. However, a search online shows that during their relationship, Ms. Heard was photographed repeatedly in revealing clothes for several magazines, and she publicly disclosed in 2014 that she had not noticed any change in her career due to her engagement with Mr. Depp.

Besides Ms. Heard’s characterization of Mr. Depp’s attitudes toward women, I could not find testimonies or evidence that Mr. Depp ever demonstrated socio-political, religious, cultural, sub-cultural, or personal values and beliefs that might encourage or excuse psychological or physical violence against a spouse or women in general.

#### ***Other serious criminality***

Mr. Depp has never been arrested, prosecuted, or convicted for the commission of serious criminal acts.

#### ***Relationship problems***

Mr. Depp had several intimate partners prior to his relationship with Ms. Heard. He maintained a 14-year relationship with the mother of his children, who testified on his behalf, acknowledging him as “kind, attentive, generous,

and non-violent person and father” (Ms. Paradis). Another of his ex-partners also provided testimony, acknowledging him as a nonviolent person, claiming that “he was never, never violent towards me. He was never, never abusive at all towards me” (Ms. Rider). As a long-term veteran of the Hollywood film industry, Mr. Depp has been under the scrutiny of extensive media coverage but never reported as a confrontational or violent person with his partners before his relationship with Ms. Heard. He is not known for maintaining simultaneous partner relationships or having frequent short-term marital relations. In this sense, to the best of my knowledge and after reviewing all the information available, Mr. Depp’s relationship with Ms. Heard was the most problematic in his life.

### ***Employment and/or financial problems***

Mr. Depp is a wealthy man, with a long career in the film industry, besides other artistic ventures. Some financial problems have been made public, and he acknowledged it in an interview to a tabloid, in which he explicitly says that he had lost “hundreds and hundreds of millions of dollars.” However, these losses were far from a critical situation or bankruptcy, and Mr. Depp was never on the verge of poverty.

Regarding employment, there is no evidence that Mr. Depp had any serious problems until Ms. Heard filed the TRO and made the allegations of IPV public. At that time, many tabloids announced that Mr. Depp was fired from one of his movie roles. After the judgment of his trial against The Sun newspaper was made public, Mr. Depp was asked to resign from another of his movie roles. However, Mr. Depp continues successfully developing activities as an actor, movie producer, and musician.

### ***Substance abuse***

Ms. Heard reported that Mr. Depp was taking large doses of multiple types of medically prescribed and illegal drugs as well as enormous amounts of alcoholic beverages during the entirety of their relationship. Several text messages between Mr. Depp and a friend show that he requested to be supplied with legal and illegal drugs while he was in a foreign country (Incident 8). Mr. Depp underwent opioid detoxification during their marriage. He has spoken publicly about his drug use and alcohol habits, which started during adolescence and had intermittently been part of his life. During the cross-examination, Mr. Depp confirmed that he had been hospitalized twice for alcohol detoxification, prior to his relationship with Ms. Heard.

Although Mr. Depp’s drug and alcohol abuse is consistently documented and therefore this risk factor should be assessed as *definitively present*, it is noteworthy that beyond Ms. Heard’s allegations, there is no indication of Mr. Depp being confrontational, aggressive, or violent while intoxicated, with any of his previous partners or other persons, in other public or private

settings, or during other times in his life. His substance abuse did not seem sufficient to impair his capacity for work, he has no drug-related criminal record, and he has no history of driving under the influence. Moreover, the couple regularly recorded conversations as part of their relationship therapy. Ms. Heard explained “. . . they were also a tool to remind Johnny of what he would do when using drugs and alcohol because he would not remember or would deny what he did or said.” However, in the evidence provided, there is no recording that shows Mr. Depp intoxicated, nor committing abuse or exhibiting violent behavior that escalated while intoxicated. In this regard, I consider this risk factor ambiguous. Drug and alcohol abuse is confirmed, but it is totally unclear that it triggers violence in Mr. Depp’s case.

### ***Mental disorder***

I did not have access to Mr. Depp’s medical history. Therefore, the factors are assessed in the context of the information available. There is no evidence that Mr. Depp suffers any type of serious mental illness or personality disorder. Although Ms. Heard reported that Mr. Depp had bipolar disorder, manic depression, and occasionally drug-induced psychosis, there is no evidence that he has ever received inpatient medical care, was incapacitated, required assistance or physical restraint for such. No mental illness was mentioned by other witnesses or self-reported by Mr. Depp.

### ***Psychological status of the alleged victimized spouse***

I did not have access to Ms. Heard’s medical history. Therefore, I assessed the factor based on Ms. Heard’s statements, notes from health professionals, and the audio recording.

The evidence shows that Ms. Heard was prescribed different medications (Xanax, Propranolol, Ambien, and Seroquel), usually recommended to treat anxiety, mood swings, and sleep disturbances. She was also prescribed a stimulant (Provigil) and an anticonvulsant medication (Neurontin) that is occasionally recommended to treat bipolar disorders.

In several parts of her statement, Mr. Heard claims that during her relationship with Mr. Depp, she experienced psychopathological symptomatology (“I was anxious and depressed [. . .] which only increased with time”), had post-traumatic stress (“I was waking up constantly in a panic”), produced by the fear that Mr. Depp might hurt her (“I was so worried and anxious about him coming home and hurting me”), that was persistent (“I was scared all the time”). I did not find references to somatic disorders, suicide ideation, or maladaptive behaviors frequently found in IPV victims (Bosch et al., 2017; Brown & Seals, 2019; Dillon et al., 2013; Tran et al., 2019). Ms. Heard specifically denied any substance abuse, also highly prevalent among IPV victims (Nathanson et al., 2012).

The notes of the health professionals who attended Ms. Heard on multiple occasions make no reference to symptoms of posttraumatic stress or depression. They attributed her high anxiety levels to Mr. Depp's absence rather than fear of his abusive behavior. For example, one nurse annotated, "Client continues to state that her anxiety is worsened by unknown status of relationship with her husband." There are also notes from a nurse that discredit what Ms. Heard expressed she felt based on her behavior, for example, "Client expresses feeling 'sad' [...] RN met client [...] Client appears in good spirits; laughing, socializing. Appetite normal."

It is noteworthy that Ms. Heard's behavior showed that she was not afraid of Mr. Depp, contrary to her words. Although Ms. Heard expressed she was frightened by what Mr. Depp might do if she left the relationship, and therefore requested a TRO, she also stated:

Because of the terms and conditions secured in my divorce settlement, and because by then we were no longer sharing a residence, it became unnecessary for me to engage in and pursue a separate legal action in order to obtain a permanent restraining order.

Furthermore, the audio recording of one meeting sought by Ms. Heard alone with Mr. Depp while under the TRO shows she was not afraid of him at any time.

To evaluate the possible existence of trauma bonding, a pathological emotional attachment produced in the victim because of abuse (Carnes & Phillips, 2019; Dutton & Painter, 1993), and suggested by Ms. Heard on multiple occasions in her statements (e.g., "I thought I could fix Johnny. I thought he could get better and that he would, and I wanted that so badly right to the end," "I spent years trying to support him to get sober to help him and to save our relationship"), I dissected a face-to-face conversation between the spouses recorded by Ms. Heard. Maladaptive attachment dynamics are thought to originate from the necessity of self-preservation (Cohen et al., 2006) producing in the victim a strong emotional tie to the abuser characterized by cognitive distortions and the adoption of certain behavioral strategies that unintentionally perpetuate the abusive relationship (DeYoung & Lowry, 1992). Allen (2005) suggests that two factors are critical for the occurrence of trauma bonding: social isolation that promotes the lack of other sources of a secure attachment and the vulnerability and helplessness produced by the imbalance of power. In interactions with their abuser, it is frequent that victims beg, show fear, and promise to behave the way the abuser wants them to (Rakovec-Felser, 2014). This was not, however, Ms. Heard's behavior. On the contrary, Ms. Heard displayed many of the characteristics usually found on IPV perpetrators (e.g., Goetz et al., 2006; Lehmann et al., 2012; Murphy & Hoover, 1999; Rodríguez-Carballeira et al., 2014; Ward & Muldoon, 2007), and none associated with being a victim – she identified behaviors of Mr. Depp that she disliked, blamed Mr. Depp for the negative course of their relationship,

blamed Mr. Depp for the violence she perpetrated, portrayed herself as the victim, patronized Mr. Depp, demanded that Mr. Depp behave the way she wanted, blackmailed/threatened Mr. Depp, used manipulative strategies, demeaned Mr. Depp, implied that something was wrong with him, minimized the violence she perpetrated, and verbally attacked Mr. Depp. Detailed examples of these abusive behavioral strategies, taken verbatim from Ms. Heard, are provided in Online Source 4.

Table 2 shows a summary of considerations about the credibility of Ms. Heard's testimony for each factor considered on the Six-Factor test and the B-SAFER.

The assessment concludes that the testimony of Ms. Heard is of low credibility, indicating that her account of events might be not truthful.

## Discussion

The objective of this study was to demonstrate the type of information produced by a structured method of assessment about the credibility of testimony in a case of IPV allegations. In the selected case, the alleged victim informed the mainstream media how she had been severely beaten, impacting the alleged perpetrator's reputation, who was immediately labeled a wife-beater, causing him significant economic, professional, and social losses. During the defamation trial, the judge found the alleged victim highly credible, heavily relying on her testimony and the testimony of non-credible witnesses to reach his decision against the claimant. However, the Six-Factor test and the B-SAFER evaluation revealed that the alleged victim's testimony was of low credibility, meaning it is likely that she lied about the incidents of violence.

The necessity of evaluating the credibility of testimony in IPV cases has been emphasized in divorce disputes when child custody is at stake (Austin & Drozd, 2012; Austin et al., 2004; Hamel, 2020; Mazch & Widrig, 2016). This study highlights the importance of conducting such assessments in IPV allegations where one party's statements contradict the other and evidence is controversial. In the case presented, the conclusion about the credibility level suggests a case of false allegations.

This type of assessment might also prove helpful in cases where real victims have never reported the abusive situation to third parties or collected evidence of the violence they suffered, because it includes characteristics of the alleged perpetrator and alleged victim that can be contrasted with current scientific knowledge. A major difference between a truth-telling and lying witnesses is that truth-tellers base their statements on memory, whereas liars rely on imagination. An account of a self-experience derived from memory differs in quality and content from an account based on imagination (Steller, 1989; Undeutsch, 1989). Truth-tellers rely on autobiographic representations of an event that contain detailed spatiotemporal

**Table 2.** Summary of the assessment for each factor of the six-factor test and B-SAFER.

Factor	Assessment	Conclusion
Six-Factor test		
Factor 1. Objective verification	There are no police reports. Annotations by health professionals are not consistent with an IPV situation. Evidence (i.e., photos and text messages) do not support the seriousness of the violence disclosed by Ms. Heard. Some of the evidence is incompatible with Ms. Heard's statements.	In favor of low credibility
Factor 2. Pattern of abusive complaints	Ms. Heard was not isolated at any time during her relationship with Mr. Depp. She disclosed to multiple persons that Mr. Depp had been abusive to her. However, the inaction of all these persons, some of them very close to her, raises the suspicion that she was not believed.	In favor of low credibility
Factor 3. Corroboration by credible others	There are no credible others that corroborate Ms. Heard's statements. There were also factual inconsistencies in the details of the account found between the statements of Ms. Heard and non-credible sources who testified on her behalf.	In favor of low credibility
Factor 4. Absence of disconfirming verbal reports by credible third parties	Eight credible witnesses disconfirmed Ms. Heard's report of injuries.	In favor of low credibility
Factor 5. Psychological profile and past history of abusive behavior by the alleged perpetrator	There is no history of abusive behavior by Mr. Depp, and his psychological profile does not match either type of IPV perpetrators found in the scientific literature.	In favor of low credibility
B-SAFER		
1. Serious physical violence	There is no evidence of serious physical violence by Mr. Depp against a partner or other person, besides what was reported by Ms. Heard.	Not present
2. Serious violent threats, ideation, intent	During their three-year relationship, Mr. Depp proclaimed once in a text message that he would seriously hurt Ms. Heard. However, the message was never sent to Ms. Heard nor meant to be seen by her.	Partially present at a low level
3. Escalation of violence or threats	Beyond Ms. Heard's statements, there is no indication of violence committed by Mr. Depp against her, and the implicit threat disclosed to a friend in a text message was not repeated as shown by the evidence available.	Not present
4. Violation of civil or criminal court orders	There is no record or otherwise indication of violation of civil court orders	Not present
5. Negative attitudes about spousal assault	There is no evidence that Mr. Depp has ever been misogynistic, sexist, or demonstrated negative attitudes, beliefs or personal values about domestic violence.	Not present
6. Other serious criminality	Mr. Depp has no record of serious criminality.	Not present
7. Relationship problems	Mr. Depp has no history of relationship problems.	Not present
8. Employment and/or financial problems	Mr. Depp has no major employment or financial problems.	Not present
9. Substance abuse	Alcohol and drug abuse by Mr. Depp is confirmed by evidence and his own report. Mr. Depp has abused alcohol and drugs many times during his life. However, besides Ms. Heard's statements, there is no witness or record of his violent behavior while under the influence.	Present but ambiguous
10. Mental disorder	Mr. Depp has no history of serious mental illness or personality disorders	Not present
Factor 6. Psychological status of the alleged victim	Beyond anxiety related to the uncertain status of the relationship, there are no psychological indicators that Ms. Heard was suffering an intimate partner victimization process during her relationship with Mr. Depp.	In favor of low credibility

information (Conway & Pleydell-Pearce, 2000), but mainly detailed information of the emotional experience. The more traumatic the event, stronger the psychophysiological reactions triggered when reliving it (Jaquier & Sullivan, 2014; Van der Kolk, 2000). Conversely, to construct their statements, liars use scripts containing general attributes common for that type of event (Volbert & Steller, 2014), for example, introducing known risk factors for IPV such as substance abuse or mental illness to characterize the alleged perpetrator. It is relatively easy to build a convincing script for IPV. However, passing the scrutiny of expert evaluators who use structured tools and mimic the emotional roughness that abuse produces on real victims is rather difficult.

The advantages of using structured tools over unstructured judgments for expert evaluation has been widely demonstrated (e.g., Andrews & Bonta, 1996; Borum et al., 1996; Douglas et al., 1999). The Six-Factor test, besides analyzing the consistency among multiple data sources, also considers the psychological profile of perpetrators and victims. Regarding the profile of the perpetrator, distinguishing whether the violence is a regular pattern of behavior (i.e., generally violent perpetrators) or it happens in the domestic context only (i.e., family-only perpetrators) (Cantos et al., 2015; Petersson & Strand, 2020) gives important clues. The credibility assessment may be more complicated if there are no other indications of the perpetrator's violent or antisocial behavior. In such cases, using the maxim, "the best way to predict anybody's behavior is his behavior in the past" (Meehl, 1989, p. 532) to investigate a partner's past abusive behavior is a useful strategy. In this regard, substance abuse and mental disorders are also predictors of IPV (Choenni et al., 2017). However, different studies found that drug and alcohol abuse and psychopathology are characteristics of IPV victims as well (Nathanson et al., 2012; Yu et al., 2019). Therefore, it is not enough to confirm the status of drug abuse or mental illness in a person to determine whether they are a perpetrator of IPV. Substance abuse and mental illness must be considered in the broader context of the general profile.

The ultimate objective of evaluating the credibility of testimony in IPV cases is to endow our justice systems with mechanisms that prevent individuals from deceiving and exploiting them, and protect real victims. If false IPV allegations prevail, besides the damage caused for the falsely accused individual (Brooks & Greenberg, 2021; Hoyle et al., 2016), the deceivers' behavior might be reinforced. If false allegations are unmasked but not prosecuted, there will be no deterrence effect, and the public may learn that it is a valid strategy in any case. On the other hand, secondary victimization produced by institutions that do not believe real victims can lead to helplessness in the individuals and generate a lack of trust in the justice system.



## Limitations

I selected this case because a significant amount of information was available, in statements, evidence, and the media since Mr. Depp and Ms. Heard are both public figures. However, when possible, evaluation interviews with the alleged victim and perpetrator are recommended because allows to confirm psychological features, attitudes, personality, mental health disorders, and substance addiction levels.

Forensic evaluations should rely upon well validated assessment instruments, which is not the case regarding Austin's SixFactor test. However, I was unable to find other available instruments in the scientific literature with the specific purpose of evaluating the credibility of the testimony in alleged IPV cases. This is remarkable, and points out a direction for future research and a line of largely unexplored work.

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## ORCID

Teresa C. Silva,  <http://orcid.org/0000-0002-3955-7688>

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