

Wiley Series in the Psychology of Crime, Policing and Law

# Children's Testimony

**A Handbook of Psychological  
Research and Forensic Practice**

*Second Edition*



**Edited by Michael E. Lamb, David J. La Rooy,  
Lindsay C. Malloy, and Carmit Katz**

 **WILEY-BLACKWELL**



# Children's Testimony

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**The Psychology of Crime, Policing and Law**

Series Editors

**Graham Davies and Ray Bull**

*University of Leicester, UK*

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# Series Preface

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The Wiley Series in the Psychology of Crime, Policing, and the Law publishes both single and multi-authored monographs and edited reviews of emerging areas of contemporary research. The purpose of this series is not merely to present research findings in a clear and readable form, but also to bring out their implications for both practice and policy. Books in this series are useful not only to psychologists, but also to all those involved in crime detection and prevention, child protection, policing, and judicial processes.

Concerns over the gathering and giving of children's evidence have been a consistent theme of books in this series. The first, Dent and Flin's *Children as Witnesses* (1992) reviewed research that undermined the view that child witnesses were necessarily unreliable and suggestible, and highlighted the legal and procedural difficulties children faced in having their evidence heard under the adversarial system of justice operated in courts in Britain, the United States, and most Commonwealth countries. It foreshadowed legal changes designed to make it easier for children to have their evidence heard in court, including the use of the live television link and pre-recorded interviews conducted by specially trained police officers and social workers as a substitute for live examination at court. In the ensuing years, such innovations were rapidly adopted in the United Kingdom and spread rapidly to other Commonwealth countries (Davies, 1999). However, the consequent increase in children testifying at court in turn provoked a backlash in legal and psychological opinion, fuelled by actual or potential miscarriages of justice involving inappropriate or leading interview procedures being used with vulnerable witnesses (Ceci & Bruck, 1995).

How to resolve the conflict between the need for children to have their voice heard in court and the rights of an accused to a fair and

balanced trial formed a central theme for the second book in the series: *Children's Testimony* (2002), edited by Westcott, Davies, and Bull. This first international handbook devoted to the evidence of children placed an emphasis upon accessible presentations and wide perspectives for a wide, non-specialist audience. A more recent volume in the series, *Tell Me What Happened* (2008) by Lamb, Hershkowitz, Orbach, and Esplin demonstrated from an analysis of actual interview transcripts that investigators overly rely upon closed or specific questions when interviewing children with a consequent risk of minimal or suggestive responding. The authors advocated the use of a new interview technique with a rigorous emphasis upon open-ended questions – the NICHD Protocol – which allows children more opportunity to express their own version of events and to provide the kind of detail that the courts require to reach safe verdicts.

A decade has passed since the chapters were written for Westcott *et al.*'s handbook and a great deal of research has been conducted in the interim on the characteristics of children's memory as well as developments in interviewing practice. Likewise, legislation and court procedure on hearing children's evidence in common law has also changed and progressed. It seemed timely to produce a second edition of *Children's Testimony* to bring the story up to date.

In seeking an editor for the new edition, I unhesitatingly turned to Michael Lamb and his colleagues. Since his return from the United States, where he led research on social and emotional development for the National Institute of Child Health and Human Development, Professor Lamb has headed the Department of Social and Developmental Psychology at Cambridge University, where he continues to conduct research on interviewing techniques as part of his wider concern for policy-related family issues.

Professor Lamb's international reputation as a scientist has ensured that the new edition of *Children's Testimony* contains contributions from leading researchers and practitioners from around the globe. As with the first edition, the focus is not merely on current research on interviewing and the characteristics of children's memory, but also the implications of that research for court practice and child protection policy. It is written and designed for the wider audience who are involved in policy and practice in the child forensic area, including investigators, lawyers, judges, expert witnesses, and legislators.

I am confident that this second edition will have the same positive impact upon the development of research and practice in the field as the first edition. My major concern is the changed economic climate into which the new volume emerges. The original *Children's Testimony* appeared at a time of relative economic prosperity in both public and

private sectors in most leading industrial countries: there was finance available for training personnel, building dedicated interviewing facilities and funds for research. The second edition appears in more straightened times. As a sign of that changed climate, one need look no further than the policy on the fees charged to local authorities in England and Wales for bringing child protection cases to court. Originally, these were set at £150, but then rose to £4825 in 2008. Following public concern over sensational instances of child abuse, there were moves to abolish fees entirely, but in the light of current cutbacks in governmental expenditure, it has been announced that higher fees will be maintained, reducing still further the likelihood of care cases coming to court (Doward, 2010). Research and policy on child witnesses can never be divorced from wider economic considerations. It is to be hoped that the many positive messages emerging from this important new book may serve to convince governments everywhere that effective child protection and child witnesses are causes worthy of support.

**Graham M. Davies**

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## REFERENCES

- Ceci, S.J., & Bruck, M. (1995). *Jeopardy in the Courtroom: A Scientific Analysis of Children's Testimony*. Washington, DC: American Psychological Association.
- Davies, G.M. (1999). The impact of television on the presentation and reception of children's evidence. *International Journal of Law and Psychiatry*, 22, 241–256.
- Dent, H.R., & Flin, R.H. (1992). *Children as Witnesses*. Chichester: Wiley.
- Doward, J. (2010). Abused children 'at greater risk' after U-turn on court fees. *The Observer* (31 October 2010, p. 20).
- Lamb, M.E., Hershkowitz, I., Orbach, Y., & Esplin, P.W. (2008) *Tell Me What Happened: Structured Investigative Interviews of Child Victims and Witnesses*. Chichester: Wiley.
- Westcott, H., Davies, G.M., & Bull, R. (Eds). (2002). *Children's Testimony: A Handbook of Psychological Research and Forensic Practice*. Chichester: Wiley.



# Acknowledgements

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We were honoured and thrilled when the original editors of *Children's Testimony: A Handbook of Psychological and Forensic Practice* (2002) invited us to edit the second edition of this volume. Because we greatly admire Helen Westcott, Graham Davies, and Ray Bull's groundbreaking first edition of *Children's Testimony*, we would first like to thank them for entrusting us with preparation of this up-to-date revision. Secondly, we are grateful to our contributors for sharing their knowledge and expertise while working diligently to create a comprehensive and practical handbook. Thirdly, we appreciate the remarkable dedication and efforts of all who work in the field of children's testimony – investigative interviewers, law enforcement officers, social workers, lawyers, judges, psychologists, and more. This field (and this book) would not exist without the extensive efforts of this diverse group of professionals around the world. Although they are far too numerous to name, we would like to acknowledge their many contributions. Fourthly, we would like to extend a massive 'thank you' to all those legal, child protection, medical, and charity agencies that promote cooperation and collaboration with researchers. Fifthly, we thank Karen Shield, Maxim Shrestha, Andrew Peart, and the whole Wiley team who have supported our efforts cheerfully and efficiently. Finally, the research presented in this book would not have been possible without the help of countless children and families, many in very stressful and difficult circumstances. We thank them for their critical roles in advancing the science and practice of children's eyewitness testimony and dedicate this book to them.



# Developmentally Sensitive Interviewing for Legal Purposes

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LINDSAY C. MALLOY, DAVID J. LA ROOY, MICHAEL E. LAMB, AND  
CARMIT KATZ

Originally edited by Helen Westcott, Graham Davies, and Ray Bull and published in 2002, *Children's Testimony: A Handbook of Psychological and Forensic Practice* represented a significant collaborative achievement of researchers and practitioners. The book not only provided a comprehensive guide to the available research on children's testimony, but also called attention to unanswered questions and issues remaining to be resolved by researchers and practitioners striving to ensure that investigators elicited detailed and accurate testimony from child witnesses so that children and innocent suspects could be protected and guilty perpetrators prosecuted.

A comprehensive understanding of children's testimony requires expertise from a diverse group of professionals with knowledge of topics ranging from memory to language to law to mental health, with insights drawn from both practitioners and researchers. Not surprisingly perhaps, such interdisciplinary collaboration is, unfortunately, rare. Because the past decade has been marked by substantial progress and

achievements, the time is ripe for a new and fully up-to-date edition of *Children's Testimony*.

Before providing an overview of the book and describing our goals, we begin by placing the field of children's testimony in context. A complete review of the social and historical context is beyond the scope of this chapter (for such discussions see Bruck, Ceci, & Principe, 2006; Poole & Lamb, 1998), but it is necessary to explain the development of the field – even since the first edition of this book was published almost a decade ago – in order to make sense of current issues and debates. Frankly, there is too much yet to be discovered to repeat the lessons and mistakes of the past.

When children are asked to testify, it is usually about maltreatment (Bruck *et al.*, 2006; Lamb, 2003; Lamb, Hershkowitz, Orbach, & Esplin, 2008); a body of knowledge about 'children's testimony' largely exists because a shocking number of children around the world do not live in safe and secure circumstances. In the United States, for example, about 3.5 million investigations or assessments are carried out annually in response to reports of suspected child maltreatment. Following these investigations, nearly 800 000 children were classified as victims of maltreatment in 2007 (US Department of Health and Human Services, Administration on Children, Youth, and Families, 2009). Similarly alarming situations exist in the United Kingdom, Canada, Australia, and elsewhere (Australian Institute of Health and Welfare, 2007; Creighton, 2004; Trocmé *et al.*, 2001). Increased awareness of child maltreatment beginning in the 1970s complemented by the reduction of barriers to children's participation in the legal system in the 1980s together ensured that increasing numbers of children have come to be viewed as potential witnesses (Lamb, 2003).

Each year, increasing numbers of children thus come into contact with the legal, social service, and child welfare systems around the world. As a result, children represent 'a large and growing legal constituency, one that possesses a special set of constraints involving basic developmental competencies, including cognitive, social, and emotional, that may constrain their effective participation' (Bruck *et al.*, 2006, p. 777). In response to these trends, the amount of research concerning children's testimony has grown rapidly; it remains one of the fastest-growing areas in all of developmental psychology (Bruck *et al.*, 2006).

Accurate identification of child maltreatment and its victims is crucial if we wish to end victimization, protect children, and provide children, families, and, potentially, perpetrators with appropriate services and treatment. This is particularly important given that maltreatment can profoundly affect children's cognitive, socio-emotional, and even



physical, development (for a review see Cicchetti, 2010). Early identification is often difficult because (as we explain in this book) child maltreatment is a crime that is extremely difficult to investigate. Because corroborative evidence is often absent, especially when sexual abuse is involved, suspected victims may often be the sole sources of information about their experiences.

For this reason, investigative interviewers have vital roles in the investigation of child maltreatment. The investigative interview typically sets into motion criminal proceedings and/or a variety of other interventions for children and families. Information originating from investigative interviews may powerfully affect legal and administrative decisions that may profoundly affect the lives of children, families, and suspects, so it is imperative that children's reports are clear, consistent, detailed, and accurate.

Enough has been written about the McMartin and similar trials to make an extensive review unnecessary here, but it is worth noting how cases such as this highlighted the importance of careful interviewing and the profound need for empirical research on children's testimony. These highly publicized cases involving allegations of child sexual abuse in daycare centres occurred around the world (e.g., in the United States, Norway, New Zealand, and the United Kingdom) particularly underscored the counterproductive ways in which alleged victims were sometimes questioned, at times rendering their testimony flawed and inaccurate (Bruck *et al.*, 2006; Ceci & Bruck, 1995). In the McMartin case, for example, children made bizarre allegations (e.g., that they were taken into tunnels underneath the school, saw witches fly, went on hot-air balloon rides, and witnessed human and animal sacrifice), but the charges were eventually dropped after years of expensive investigation and litigation. Defendants in other cases similarly served long periods in jail before their convictions were overturned (Ceci & Bruck, 1995; Nathan & Snedeker, 1995).

As so often happens in child maltreatment cases, these daycare cases relied almost entirely on children's allegations, and it was the jury's task to determine whether the children could be believed. These decisions had to be made in the face of competing claims by prosecutors that children never lie about sexual abuse, and by defence lawyers that children could easily be led to provide false reports following repeated suggestive interviews by zealous therapists. Such competing claims were made about child witnesses' capabilities and limitations despite scant research on children's testimony and a strong need for empirical research on these issues.

Researchers responded to this need enthusiastically. In the last 30 years, literally hundreds, if not thousands, of studies have been

conducted by an international and disciplinarily diverse group of researchers. These studies have revealed much about children's abilities, capacities, and limitations, and the factors that influence children's eye-witness testimony. Drawing upon the findings of laboratory research, researchers have developed (and continue to develop) creative ways to conduct more ecologically valid research – interviewing children about stressful medical procedures, and involving maltreated children as research participants, for example. By identifying children's strengths, weaknesses, and characteristics, investigative interviewing procedures and protocols have improved the quality of information elicited from children. We have learned quite a lot, therefore, even since the 2002 publication of the first edition of *Children's Testimony*.

What do we know and what have we accomplished? We now know that children – even very young children – can provide reliable and accurate testimony about experienced or witnessed events. We also know that children (like adults) are suggestible, and that we must be aware of ways in which suggestibility can be minimized. We further know that the level of accuracy and the amount of detail provided by young witnesses is largely dependent on the ways in which children are interviewed and that the role of the interviewer is thus paramount.

Close collaboration between researchers, interviewers, legal experts, and the police has been especially marked in this field, as exemplified by the achievements of the team who developed the National Institute of Child Health and Human Development (NICHD) Investigative Interview Protocol, a set of structured guidelines for interviewing children about experienced or witnessed events which has been validated extensively around the world (Bull, 2010; Lamb *et al.*, 2008). In fact, it has now been more than a decade since publication of the first field study validating the NICHD Investigative Interview Protocol (Orbach, Hershkowitz, Lamb, Esplin, & Horowitz, 2000). Many researchers have also tested a variety of techniques and procedures ostensibly designed to enhance children's testimony (e.g., dolls/props, CCTV, drawing). Growing confidence in scientific research is evident in the development of a professional organization that focuses specifically on investigative interviewing and facilitates meaningful interaction among a diverse group of researchers and practitioners from around the world – the International Investigative Interviewing Research Group (IIIRG). Research on child testimony also features prominently at the conferences organized by such organizations as the American Psychology–Law Society, the European Association of Psychology and Law, the Society for Applied Research in Memory and Cognition, and the Society for Research in Child Development. Professionals in many different fields have come to realize that there is much to gain – practically,

theoretically, and methodologically – from studying children’s eyewitness testimony in both laboratory and field contexts. Above all else, we have learned that, in this field, researchers and practitioners need and complement one another in unique and important ways and that the promotion and pursuit of children’s welfare requires cooperation with and learning from each other.

Of course, there is much yet to learn. The willingness to learn and draw on new evidence characterizes good investigative interviewers and researchers alike. Research on children’s testimony that is informative and helps to solve problems in the field needs to be implemented by practitioners, whose insights and experiences in the field should help in the formulation of new studies and in the interpretation of their findings. The NICHD Investigative Interview Protocol, described in detail throughout this volume, continually strives to accommodate the results of new research and changing needs. Recognition of its overall effectiveness has prompted other researchers and practitioners to consider ways in which it might be altered to address the differing needs of specific groups of individuals who need to be interviewed forensically, including those who are very young or especially reluctant to talk, those who are suspects rather than victims or witnesses, and those who have mental or intellectual difficulties.

Clearly, we have come a long way since the McMartin trials and the associated intense debates about what child witnesses can and cannot do, and we have come a long way since the first edition of *Children’s Testimony* was published in 2002. Surely, the next decade promises to be as exciting and productive as the last.

## WHAT WE SET OUT TO DO IN THIS UPDATED HANDBOOK

Our aim in preparing this handbook is to create a resource that will be valuable to all professionals working in the field of children’s eyewitness testimony – academics and practitioners alike – because it provides a fully up-to-date review of the significant developments made in the last decade. This book contains valuable and practical information of direct relevance, not only to investigative interviewers, but also to lawyers, judges, expert witnesses, social workers, intermediaries, academics, and students. We believe that new advancements must be shared in accessible ways, and have thus asked both academic and practitioner contributors to write in a user-friendly style that make their conclusions available to a wide audience. The book comprises a collection of short focused chapters, organized to deal with the issues in the

sequence with which they must often be addressed as investigations unfold and progress.

Whereas most comparable resources emphasize the research and issues of concern to scholars and practitioners in individual countries, we have invited authors from as diverse an array of national and disciplinary backgrounds as the consumers of the burgeoning literature on children's testimony. The editors themselves have experience working in the British, American, New Zealand, Canadian, and Israeli systems and we have included contributors from both these and other national backgrounds because it is so advantageous and important to learn from the experiences and diversity of other systems and practices. Knowledge of what is done elsewhere allows us to reflect on the procedures that characterize our own jurisdictions, helping us to generate new ideas for both research and implementation. Although it was not possible or desirable to address every concern in every jurisdiction, we have attempted to build a diverse knowledge base from which international researchers and practitioners can draw.

This book is also distinguished by our determination to include contributors from many different professional backgrounds. We are pleased to have secured contributions by psychologists, police officers, lawyers and legal scholars, clinicians, expert witnesses, and experienced investigative interviewers and trainers. This allows us to provide a truly comprehensive overview of children's testimony while ensuring that information is topical and directly relevant to practitioners.

## WHAT TO EXPECT

The contributors consider all aspects and stages of the investigative process. First, we provide some critical foundational chapters and address issues pertaining to child development and memory. Second, we discuss the various phases of the investigation – from planning the interview to reviewing its value after the fact. Finally, other important issues (including the challenges of interviewing children with intellectual disabilities, the use of supplementary interview techniques and interviewer training) are discussed.

Authors were asked to provide short and focused chapters emphasizing information of direct relevance to practitioners in the field. Of course, relevant theory is discussed when applicable but the focus is on practical recommendations and solutions. In that sense, we asked authors to stress non-technical information and to present research findings in ways that could be readily applied by investigative interviewers and 'consumers' (e.g., decision makers) of the information

provided in those interviews. We asked authors to avoid using jargon and highly technical language or providing unnecessary methodological details. Whenever possible, authors reference key resources (reviews and secondary sources) and provide examples directly from the field. To facilitate learning, each chapter begins with bullet points foreshadowing key concepts discussed in the chapter and their relevance for practice.

## CHAPTER OVERVIEW

The first chapters (Chapters 2 and 3) provide essential background for those who study and work within the field of children's testimony, because interviewers and legal professionals need to understand the body of knowledge about children's developmental characteristics (Chapter 2) and memory capacities (Chapter 3) that has allowed development of the best-practice guidelines that shape their everyday work. Readers may find that this information helps them better understand why they need to behave (or not behave) in certain ways, and may also help them describe and defend their practices when they are challenged in court, or wish to challenge the behaviour of others. The developmental considerations chapter provides a brief overview of developmental concepts that are directly relevant to interviewing, including, for example, language, children's concept of time, and children's understanding of the word 'touch'. In the memory foundations chapter, we discuss key aspects of human memory and its developmental characteristics that must be taken into account when evaluating accounts of allegedly experienced events. These two chapters set the stage for the remainder of the book by reminding us that our expectations of children must be reasonable and that our demands must respect their developmental capacities and limitations. The field of children's testimony owes a tremendous debt to basic developmental and memory researchers, and this knowledge is summarized in these initial chapters.

Chapter 4, written by an American law professor/developmental psychologist, focuses on issues of testimonial competency, with distinctions made between basic competency and the ability to distinguish between truth and falsehood. In the chapter, Thomas Lyon shows how these competencies can be assessed in ways that are sensitive to children's developmental capacities and limitations. Furthermore, he reveals that truth-lie competency does not predict children's honesty, but that eliciting a developmentally appropriate promise to tell the truth does – an important consideration given the need to encourage truthful reports from victims/witnesses.

Chapters 5–10 take us through phases of the investigative process. Planning is a prerequisite for good interviewing and is thus the focus of Chapter 5 by Kevin Smith (UK police force) and Rebecca Milne (British forensic psychologist) in which detailed advice is provided about the planning process. Key tasks include collating relevant information, setting interview objectives, and making other key practical decisions, such as when the child should best be interviewed.

In Chapter 6, Irit Hershkowitz (an Israeli professor of social work) shows that rapport building is an essential part of the interview process, especially because children may be reluctant to disclose intimate and perhaps embarrassing details about their experiences (e.g., of sexual abuse) unless they feel comfortable with the interviewer. Hershkowitz also describes and provides easy-to-use examples of empirically based best-practice methods for developing rapport. As she shows, the NICHD Investigative Interview Protocol includes a sequence of prompts designed to build rapport with children in the pre-substantive part of the interview. For example, rapport building should involve open-ended invitations for children to talk about personally meaningful experiences. She also emphasizes that interviewers must evaluate how children are responding to rapport-building attempts, asking themselves whether the child is sufficiently engaged and cooperative for an effective interview to proceed.

In Chapter 7, Kim Roberts, Sonja Brubacher, Martine Powell, and Heather Price (a team of Canadian and Australian developmental forensic psychologists) describe the important role that a practice narrative can have in preparing children to talk. The practice interview involves asking children to describe an episodic event (e.g., their last birthday) so they can become familiar with an unusual task – providing a detailed narrative in response to open-ended invitations. As Roberts and her colleagues show, practice narratives have both cognitive and motivational benefits. Although research on the practice narrative is not as abundant as in some other areas addressed in this book, the authors show that practice leads children to later provide longer and more accurate reports of substantive issues. In a sense, children actually learn how to exploit their memories by practicing with interviewers. Practice helps interviewers, too. Practice interviews, which should adhere to the same best-practice guidelines as regular interviews, allow interviewers to practice asking open-ended questions, thereby reducing the total number of questions and the number of less desirable questions asked in the subsequent substantive phase of the interview.

Margaret-Ellen Pipe and Yael Orbach (respectively, New Zealand and Israeli cognitive psychologists now based in the United States) describe the desired hierarchical structure and sequential organization of the