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Preface

Competence, credibility, and reliability of children's forensic reports: Introduction to special issue on child witness research

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There is no greater challenge to child protection and law enforcement professionals than the investigation of child abuse cases where both false positives and false negatives may have devastating consequences, with innocent defendants losing their liberty or guilty pedophiles remaining free to victimize other children. In view of the enormity of these undesirable consequences, practitioners need to be mindful of both the sensitivity and specificity of their assessment procedures. Although this is true in all cases, it is particularly true of those involving allegations of child sexual abuse, in which a child's allegation of abusive activities is countered by a defendant's denial that such activities took place. These cases often are complicated by the young age of the child complainant and delays of months or years between the alleged events and their investigation (London, Bruck, Wright, & Ceci, 2008). In some cases, defendants argue that abuse allegations emerged due to erroneous beliefs or even malicious intentions of their estranged spouse during the course of a custody battle. Some cases involve suggestive interviewing practices in which the reliability of the allegations may be of concern. Other cases involve excellent best-practice forensic interview methods, but nevertheless raise concerns about the alleged earlier influence of parents, peers, or therapists on children's reports.

Against this high stakes and thorny backdrop, the field of forensic developmental psychology has emerged over the past two decades to address theoretical and applied issues related to competence, reliability, and credibility of children's testimony. This special issue represents a broad review of the developmental literature regarding factors that promote and hinder children's testimony. Each contributor to the special issue has published seminal work that has advanced knowledge about evidence-based forensic interview procedures with children. Each article in this special issue provides a historical backdrop on forensic practices in their domain of study, critically reviews the most up-to-date developmental research and theory, and offers recommendations for future research as well as for forensic policy and practice. We anticipate these papers will become widely cited for their strong evidence-based and theory-driven conclusions.

The first four articles in this special issue deal with factors that negatively affect children's forensic reports, either in a formal interview context or in a naturally-occurring context. In the first of these Poole and Bruck review the scientific literature on two commonly used forensic interview props:

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anatomical dolls and body diagrams (i.e., human figure drawings). Many investigators began using dolls and drawings in the 1980s, in hopes that (a) abuse could be discerned based on the type or the amount of sexualized play the child displayed, and/or (b) props might help overcome cognitive or motivational barriers to disclosure without significantly decreasing the accuracy of children's reports.

On the basis of their review of the literature Poole and Bruck conclude that props fail to meet either of these goals. These authors review studies showing that the way children play with dolls is of little utility in screening for abuse since there is much overlap in how abused and non-abused children interact with the dolls. Research also has shown dolls do not facilitate children's reports of bodily touch. While many investigators have turned to body diagrams in the hope they would work better than dolls, research findings have not been promising: children's performance with body diagrams indicates children up to age 7 have difficulty in understanding the task of showing others on a body diagram where they were just touched. Props pose a particular risk when used with preschool-aged children, individuals with intellectual disabilities, or when use is paired with suggestive questions. Poole and Bruck discuss practical and ideological issues that have driven the continued use of dolls and body diagrams by many forensic interviewers despite evidence contraindicating their use. These two influential researchers conclude by offering recommendations for gold-standard innovative research that because of their rigorous scholarship and reputations is destined to advance forensic interview practices well into the future.

In the second article Zajac, O'Neill, and Hayne present their fascinating work on children's performance under typical cross-examination procedures. Much like competency evaluation practices, cross-examination is an issue in all criminal trials with child witnesses, yet it has received little direct scientific attention. Like several of the other articles in this special issue, Zajac and her colleagues point out that there is a chasm between developmental scientific knowledge and legal practice. These investigators argue that the realities of cross-examination are very different than the empirically-driven best practice guidelines for questioning child witnesses. Yet under adversarial systems of justice, all criminal trials entail a direct examination and a cross-examination, so children's performance under cross-examination (as well as the effects of cross-examination on children) are of great practical import. A cross-examining attorney often poses questions to children to challenge their honesty, motives, consistency, and credibility. Attorneys also use leading, suggestive, and linguistically complex questions, often with multiple embedded relative clauses and syntactically clumsy constructions that are confusing to young children. The goal of cross-examination, in theory, is to allow opposing counsel to better reveal the truth; however, Zajac et al. review data indicating that commonly employed cross-examination practices work to *decrease* children's accuracy. They also review data regarding a number of individual and contextual factors that influence children's performance. They conclude by offering a number of recommendations for research as well as for legal policy and practice reform. This article is a tonic to the ready acceptance of the claim that cross-examination is one of the great engines driving the truth-seeking process. Zajac et al.'s findings will be sober reading for those who endorse this claim when the witness is a young child.

Next, we turn our attention towards arguably the most novel work on suggestibility to emerge this decade: the work by Principe and colleagues on peer influence. Over 30 years of research exists that outlines factors and contexts that promote accurate versus erroneous reports in children. Most of this work has focused on suggestive influences of a formal interviewer such as the use of leading questions. Yet in reality, the daily conversations children have with their family members or peers probably serve as a more common source of influence. In many cases, the defense levies concerns that a child was influenced before any formal recorded interviewing. This is where the next article by Principe and Schindewolf becomes relevant. They report a program of study demonstrating that memory reconstructive influences can occur in a natural setting, without formal interviews but rather via children who are exposed to peers who may or may not have witnessed an event.

Principe and her colleagues have conducted a program of studies examining the tainting effects of planting rumors among 3- to 6-year-old children in order to examine the effects of their naturally - occurring conversations. They have found that naturally-occurring conversations with adults and children provide a very strong source of suggestion. In fact, they found stronger effects for peer suggestions than what is typically reported in the suggestibility literature that uses mock interviewers

as the source of suggestion. Principe and her colleagues' general paradigm is that some children experience an event in their classroom (such as a magic show or a mock archeological dig) and they are labeled Witnesses. A second group of children (Non-witnesses) are classmates of the Witness children but do not experience a magic show or an archeological dig. Later all children are interviewed about the event, some with suggestive questions. Principe and her colleagues have found that, particularly when combined with suggestive questions, the Non-witness classmates reported that they actually experienced events that in fact they only heard about via their peers. Further, the Non-witness classmates provide much detail about these non-experienced events. It is nothing short of shocking to see children claiming to have witnessed an event that they did not, based solely on information they collected from classmates or by overhearing teachers in the hall or their mother on the phone.

Principe and her colleagues have replicated and extended these findings using different events. Taken together, the results indicate that naturally-occurring conversations can be a very powerful source of memory contamination. The majority of children in these studies, when exposed to naturally-occurring conversations and misinformation about non-experienced events, provided consistent, embellished, and spontaneous accounts, claiming they actually experienced these events.

In the final article in this first grouping, Brainerd and Reyna describe a theoretical framework to synthesize extant evidence on false memory reports. They provide a comprehensive review of the mechanisms and predictions of false memory according to their well-known fuzzy trace theory, a theory they have championed over several decades with great success. They present a growing set of studies showing counterintuitive developmental trends in children's false memory. One of the most commonly held beliefs about children's suggestibility is that preschoolers and young school-aged children are highly suggestible but that false memory quickly declines thereafter. Brainerd and Reyna review the theoretical foundation for a very different prediction, namely, that older children ought to be *more* suggestible than younger children under certain conditions. They demonstrate in over a decade of research that false memory can increase throughout childhood and adolescence, thus resulting in a reverse developmental trend. Fuzzy trace theory accounts for the mechanisms underlying such developmental reversals and provides a unifying framework for true and false memory more generally. Their review is more than simply comprehensive and cogent; it is also richly theory-driven in a field that has often slighted theory for practical application. Brainerd and Reyna's work brings home the adage "there is nothing more practical than a good theory". Surely their work will help catapult future research and we suspect that future expert witnesses may find themselves being cross-examined by attorneys who know about fuzzy trace theory and the predictions it makes.

The final three articles in this issue examine different aspects of children's competence to provide legal testimony. In the first of these final three articles, Klemfuss and Ceci define testimonial competence as the child's cognitive abilities and moral understanding that underlie their abilities to recall and report on an event. Much of the basic developmental research on children's memorial abilities and moral development, then, provides evidence about children's testimonial competence. Reliability refers to the overall integrity or soundness of the evidence: to what extent were the evidence collection procedures (e.g., questioning techniques) those that have been shown to produce accurate versus erroneous reports?

Given that competence is an issue in most cases involving child witnesses, there is a surprising dearth of research devoted to assessing testimonial competence. Klemfuss and Ceci point out that a child is considered competent in court if they can demonstrate to the judge they can understand and answer basic interview questions, observe and recall events, understand the difference between truths and lies, and appreciate taking an oath to tell the truth. Klemfuss and Ceci review the foundations of competency practices in the United States. They note that there is little uniformity in actual judicial practices regarding competency evaluation and judges make competency decisions with no guidelines or formal training. Next, these authors review the developmental scientific findings related to each of the prongs of competency.

Klemfuss and Ceci examine whether different types of competency questions predict children's testimonial accuracy. They report that empirical measures of children's language and memory account for a modest amount of the variability (16%) in children's accuracy and likely functions better than the basic competency tests currently employed by courts in the United States. Their work represents a new front in developmental forensic research, which they conclude by offering recommendations for

researchers and policy-makers in order to formulate empirically-driven developmentally sensitive competency measures.

In the penultimate article, Talwar and Crossman discuss one specific aspect of children's testimonial competence, children's lie-telling abilities. These researchers present an up-to-date review of research regarding children's understanding of and motivations for telling lies, children's understanding of the importance of honesty, whether certain practices help promote truth-telling in children, and finally adults' ability to detect children's lies. In many jurisdictions, children's understanding of truths and lies comprises a central facet of competency examinations. Talwar and Crossman point out that children sometimes are disallowed from providing courtroom testimony if they cannot articulate an understanding of truths and lies. They provide an example of a case where an 8-year-old was prevented from giving testimony because the child explicitly stated she did not understand the difference between truths and lies. Talwar and Crossman argue that many of the traditional competency evaluation procedures used by courts employ developmentally-inappropriate questions that underestimate children's understanding of truths and lies. Further, there is little empirical support to indicate children's performance on truth - lie examination questions actually predict their truth-telling behavior. In terms of children's abilities to tell convincing lies, these authors review studies showing that adults cannot reliably distinguish truth-tellers versus liars based on children's behavior, though there is developmental progression in children's ability to maintain convincing lies during questioning. Talwar and Crossman also review some of the cognitive underpinnings for successful lie-telling behavior. Finally, they provide evidence that while children's cognitive capacity to define truths and lies tends not to predict whether they tell the truth, simply having children promise to tell the truth may promote truth-telling behavior. Although the courts already ask witnesses to promise to tell the truth this research suggests that there may be more optimal ways of soliciting promises from children than the traditional oath.

Much has been written about the weakness or developmental limitations of child witnesses, however, the final article by Peterson demonstrates that children can recall events, even emotionally-evocative ones and even with delay. Peterson reviews children's earliest memories from childhood and also children's memory for stressful events. The literature indicates most adults do not recall any events prior to age 3-4 years. However, recent work using child participants shows that children often recall many events that have occurred several months or even more than a year earlier. Peterson reviews her new body of cross-sectional and longitudinal work examining the maintenance of childhood memories across childhood. She also reviews characteristics of the event, the memory task, and individual difference variables that predict which memories will be retained. This is must read for those desiring to update their knowledge of the venerable early amnesia literature claims.

In the last section of her article, Peterson reviews her work on children's memories for naturally occurring stressful, negative events, namely, emergency room visits. In these studies, children were interviewed within several days of the event and up to 5 years later. Here she focuses on the 2- and 5-year data. Peterson postulates some methodological differences in extant studies that may help account for discrepant findings regarding children's abilities to recall events with delay. She concludes that children are capable of providing accurate reports over time, particularly for emotional and personally-meaningful events. However, she also cautions that careful interview procedures should be used to minimize interviewer contamination.

This special issue provides a series of signposts for the next generation of forensic developmental researchers. Taken together the articles here contain important insights into best practice interview methods with children. The authors of these articles are individuals who in the past blazed theoretical and empirical trails that over the years have become well-trodden. Their new syntheses will be the roadbed for the forensic paths of tomorrow. Thus this issue should be of great interest to practitioners and researchers who are interested in evidence-based forensic practices with children.

Reference

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