

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**

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Children's Testimony

Wiley Series in

The Psychology of Crime, Policing and Law

Series Editors

Graham Davies and Ray Bull

University of Leicester, UK

The Wiley Series in the Psychology of Crime, Policing and Law publishes concise and integrative reviews on important emerging areas of contemporary research. The purpose of the 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. In this way, it is hoped the series will not only be useful to psychologists but also to all those concerned with crime detection and prevention, policing, and the judicial process.

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Series Preface

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.

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