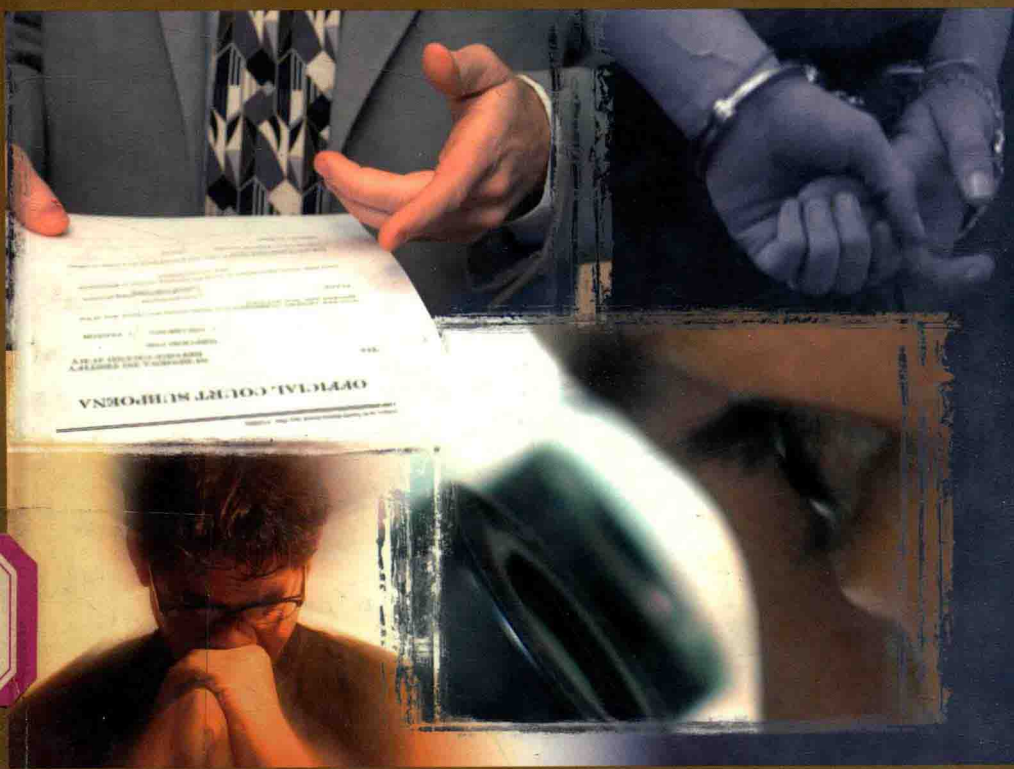


Wiley Series in the Psychology of Crime, Policing and Law

Practical Psychology for Forensic Investigations and Prosecutions



Edited by Mark R. Kebbell
and Graham M. Davies

 **WILEY**

Practical Psychology for Forensic Investigations and Prosecutions

Edited by

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and

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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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The Editors would like to dedicate
this book to their families.

About the Editors

Mark Kebbell is Associate Professor of Forensic Psychology and the Director of the Forensic Psychology Programme at Griffith University. His expertise and research is in the area of interviewing particularly with regards suspects and vulnerable witnesses. He wrote the guidelines for police officers in England and Wales (with Wagstaff) for the assessment of eyewitness evidence. He has worked on more than 70 criminal cases, principally involving murder or serious sexual assault, and has given expert evidence on numerous occasions including uncontested psychological evidence in an Old Bailey appeal case. Academically, he publishes in international journals and has been awarded a British Academy Postdoctoral Fellowship for Outstanding Younger Scholars.

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journals. He has been commissioned by government to co-author guidance documents on good practice in interviewing child witnesses, achieving best evidence from vulnerable witnesses and the taking of evidence on commission. He has written expert reports for many dozens of court cases (including Courts of Appeal) and has testified in criminal trials and civil hearings in a number of countries. He recently received the rare honour (for a "civilian") of a Commendation from the London Metropolitan Police Service for his work on a particular case.

Deborah Davis is an Associate Professor in the Psychology Department of the University of Nevada-Reno. With regards to forensic psychology, her areas of expertise are witness memory, false confessions, issues of sexual consent, rules of evidence and jury research. She has also conducted a variety of research in the areas of social psychology of ageing, and attachment and relationship behaviors, and has written papers concerning research ethics. She was the editor of *From the Mind's Eye*, a newsletter designed to report social science research on law and courtroom psychology. She has also been a member of the editorial boards for *Representative Research in Social Psychology*, the *Journal of Experimental Social Psychology*, and the *Journal of Personality and Social Psychology*.

Paul Dupuis is a Psychology Instructor at Red Deer College in Alberta, Canada. He obtained his PhD from Queen's University. His research interests are in social psychology and eyewitness testimony. He has a particular interest in identification evidence and how lineups are constructed. He has published in this area including a study testing the influence of simultaneous face, body and sequential voice lineups (with Pryke, Lindsay and Dysart) and has demonstrated that multiple identifications (by the same witness) from independent lineups of different features are highly diagnostic of suspect guilt.

Elizabeth Gilchrist is Reader in Forensic Psychology and Director of Forensic Psychology at the University of Kent. Her research interests are in the area of domestic violence and the needs of vulnerable victims, and in criminal justice processes, particularly decision making and in the effectiveness of interventions in the domestic violence arena. Her recent work has included work with women and children who have experienced domestic violence, and a large national study on perpetrators and victim/survivors of domestic violence, which was funded by the Home Office. She is also working on an evaluation of a community-based intervention for domestic violence, funded by the local probation area, and an evaluation of support for victims of sexual offences, funded by the Home Office. She is currently involved in establishing research priorities for the parole board and is developing further work in the

area of domestic violence and underlying neural mechanisms, exploring decision making within the parole board and the implications of intimate offending for future risk.

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Rod Lindsay is Professor of Psychology at Queen's University. His main interests focus on eyewitness identification techniques (lineups and showups) and the credibility of witness testimony (e.g. of children). He is a co-editor of the 2006 two-volume *Handbook of Eyewitness Psychology: Memory for Events* and *Handbook of Eyewitness Psychology: Memory for People* (both with Ross, Read and Toglia). He has co-authored over 80 articles and book chapters and over 100 conference presentations, mostly on topics related to eyewitnesses. His publications include several articles in law journals and he was recently awarded a career achievement award from the Canadian Psychological Association for his Distinguished Contribution to the Application of Psychology. He participated in the sessions leading to the National Institute of Justice (US) publication *Eyewitness Evidence: A Guide for Law Enforcement*. He has participated extensively in the training of Canadian judges, prosecutors and law enforcement officers regarding issues of eyewitness accuracy and police procedures for obtaining and evaluating eyewitness evidence, particularly identification evidence. He has written expert reports for many court cases and has testified in criminal trials and civil hearings in a number of countries including consultation with prosecutors in the Rwandan war crimes trials.

Becky Milne is Principal Lecturer in Forensic Psychology at the Institute of Criminal Justice Studies of the University of Portsmouth. Her main interests focus on the cognitive interview, investigative interviewing (e.g. of suspects and witnesses), the investigation process and miscarriages of justice and the interviewing of vulnerable groups. She has written *Investigative Interviewing: Psychology and Practice* (with Bull). She has co-authored numerous articles in research journals and has been commissioned by the UK government to co-author guidance documents on achieving best evidence from vulnerable witnesses and the taking of evidence on commission. She sits on the Association of Chief Police Officers Strategic Steering Committee for Investigative Interviewing as the academic lead and acts as an interview advisor on many cases concerning the best ways to interview witnesses and victims. In addition, she trains investigators from numerous organizations with regard to the enhanced cognitive interview.

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Helen Westcott is Senior Lecturer in Psychology at The Open University. She is a member of the International Centre for Comparative Criminological Research (ICCCR) at The Open University, and has a longstanding interest in issues concerning child sexual abuse and interviewing children, along with cross-examination practice, and the abuse of children who are disabled. She publishes and presents widely on topics related to children's evidence, for example her book *Children's Testimony* published by Wiley in 2002, with Davies and Bull. She was a member of the writing team that produced the 2002 Home Office guidance, *Achieving Best Evidence in Criminal Proceedings*, and she works closely with practitioners and policy makers.

Series Preface

The Wiley Series on the Psychology of Crime, Policing and the Law publishes integrative reviews of 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 that 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.

This is particularly the case for the current volume with its emphasis on practical psychology in investigations and prosecutions. As the editors point out, there have recently been made a number of technological advances that assist investigations and prosecutions but most still heavily rely on human abilities.

The chapters in this volume each cover one of the major aspects of investigations and prosecutions. Obtaining comprehensive and reliable information from witnesses has, until fairly recently, not really been a priority for police forces around the world. However, this is beginning to change, largely based on research, theory and input from psychologists. Similarly, the interviewing of suspects and the topic of false confessions is, at last, being influenced also by peer-reviewed, published research rather than solely by the views of experienced professionals. The topic of eyewitness identification has over recent decades been the focus of substantial research by psychologists, which has culminated in practical and useful recommendations for increasing their reliability.

Another very important topic that has received considerable attention from research psychologists is that of the detection of deception, particularly regarding the mistaken beliefs that many people have about reliable cues to deception. People also have mistaken beliefs about what offender profiling involves and how effective it has been.

Understanding the psychological characteristics of offenders can be useful to decision making both regarding investigations and prosecutions. Indeed, deciding to prosecute involves a range of psychological factors. One crucial factor here is the likely risk to society posed by the alleged wrong-doer.

An important issue that can influence decisions to prosecute and the effectiveness of prosecutions is investigators' and courts'/jurors' understanding of why many reports of sexual abuse are only made a long while after the alleged offences. Of similar importance is an understanding of why some (alleged) victims may subsequently try to withdraw their complaints.

This volume provides comprehensive chapters on each of the above topics. The editor and authors have succeeded in explaining psychological contributions in a clear way and of providing links across the chapters. I am confident that you will find this volume both very interesting and of immense practical use.

RAY BULL
University of Leicester

Preface

Crime is a blight on our societies. From Australia to the United States, Russia to South Africa, Iceland to Argentina, crime has a major impact on how people live their daily lives. Minor crimes such as vandalism and petty theft are a nuisance, and while they typically have comparably little economic impact, they create an environment of distrust and suspicion that can poison communities. More serious crimes such as assaults, kidnappings, rapes and murders have a more profound impact both on victims and their communities, leading to fear, hatred and isolation.

Technological advances, for example DNA testing and CCTV, have improved our methods of investigating and prosecuting crime, but despite these advances the majority of forensic investigations and prosecutions still rely on human factors. In this respect forensic investigations and prosecutions have changed little over the past couple of centuries. Investigators still rely on their own conceptualizations of who commits certain crimes to identify potential offenders, eyewitnesses are still integral to most investigations and prosecutions, and a suspect confessing still has a major impact on decisions to convict a suspect. It is in these human factors where psychology has its role. In this book, we outline current, cutting-edge research and its application to investigating and prosecuting offences.

Acknowledgements

We would like to acknowledge gratefully the contribution of Emily Hurren to the editing of this book.

Introduction

GRAHAM M. DAVIES AND MARK R. KEBBELL

Almost a century has passed since the publication of *On the Witness Stand* by Hugo Munsterberg (1908), one of the first books to treat legal issues from a psychological standpoint. Munsterberg was an acknowledged pioneer of applied psychology, who moved from his native Germany to set up the first experimental psychology laboratory at Harvard at the invitation of William James (Hale, 1980; Moskowitz, 1977). Munsterberg's book, based on a series of successful magazine articles, aimed at promoting the role of psychology in the courts, the police and the prisons. Despite its somewhat bombastic tone, the book's central message, that the law and its agencies had ignored the importance and potential of psychology, shines through. Sadly, the research he was able to offer to support his claim was limited, took little account of the principles of jurisprudence or the realities of law enforcement and was leavened with trenchant criticism of lawyers (labelled as "obdurate") and other law-enforcement professionals. Not surprisingly, the book was a popular success, but did little in the short term to promote the union of psychology and law. Indeed, it drew from the distinguished American jurist John Henry Wigmore a satirical review (1909), which though savage in its treatment of Munsterberg's pretensions, did foresee a time when psychology might have something to offer the law.

We hope that on the evidence of the contributions to the current volume, Wigmore might well have concluded that psychology's time had come. The contributors illustrate the many practical applications of psychology to forensic problems and the manifest opportunities for mutual cooperation that currently exist. There are many topics included in