

Considerations for experts in assessing the credibility of recovered memories of child sexual abuse

Mark Kebbell

President – ANZAPPL (Queensland Branch)

Professor of Forensic Psychology, School of
Applied Psychology

Griffith University

Overview

- Basic Memory Principles
- Controversies
- Case studies

Treating memory like a crime scene



Memory is not like a video recording. Events are reconstructed using stored memory and our knowledge about the world

Encoding

- The process of storing or representing information in memory
- Depends on where attention is perceived
- We cannot take in all the information in our environment
- Information to which we do not actively attend is rarely encoded
- Example: Daniel Morcombe case

Storage

- As we do not encode everything we have gaps in our memory
- We may “fill-in” the gaps to fit in with our attitudes, beliefs and expectations
- External sources may be incorporated into memory (e.g., told someone had a moustache)
- Often unable to distinguish the source of memories (source amnesia)
- Example: Newcastle shooting

Retrieval

- We cannot claim to have successfully remembered material unless we have recalled it
- Retrieval cues are important here
- Joke endings
- Example: Try to recall as many words as possible from the cue _ _ _ _ | _ _

Retrieval

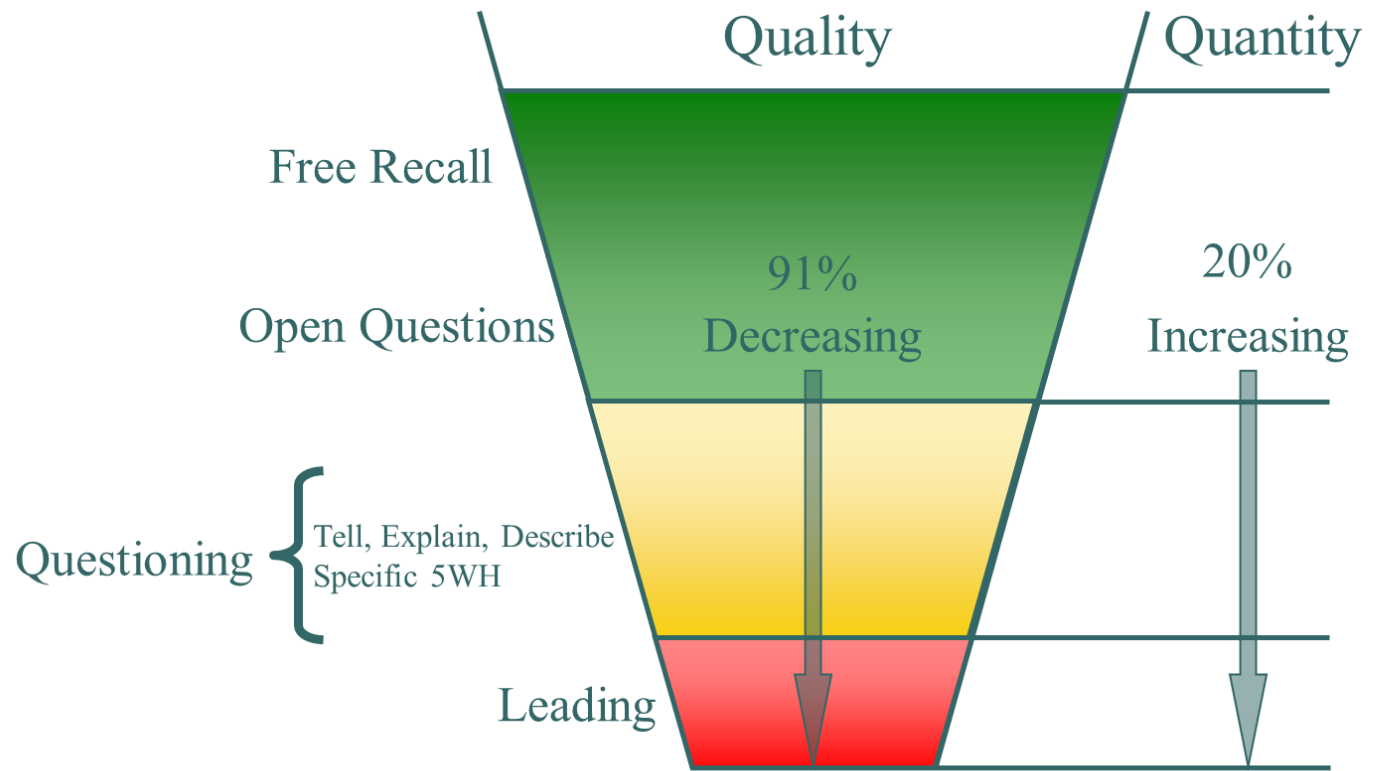
- Now try to recall as many words as possible from the cue _ _ _ _ I N G

Can you pick the suspect?

- The two eyewitness described the offender this way:
 - Late teens, 15-16 years old, no more than 18 years old.
 - African-American, Black male
 - Small build, about 120-140 pounds in weight (approx. 60kg).
 - Between 5'2 – 5'5 in height (approx. 1.60m)
 - Long hair in some kind of braids, single row braids that were coming loose



Questioning



Milne, R. (2006)

Leading questions and suggestibility

- Loftus and Palmer (1974)
- Shown a pictures of a car accident
- Later asked “about how fast were the cars going when they *contacted* each other?”
- Words substituted included smashed, collided, bumped and hit
- Smashed estimated 40.8mph
- Contacted estimated 30.8mph
- More likely to say yes to seeing broken glass
- But, see Yuille & Cutshall (1986)

Confidence

- More confident witnesses are perceived to be more accurate
- Confidence can be changed (Luus & Wells, 1994)
- People tend to look out for information that confirms their beliefs
- Repeated questioning can falsely increase confidence

Suggestibility

- Gudjonsson & Clark (1986) suggest two reasons.
 - Suggestibility is related to memory, i.e. ability to remember the correct answer.
 - Suggestibility is related to cope with uncertainty, expectations and the other pressures associated with recall.

Previously unreported traumatic memories (Alison, Kebbell & Lewis, 2006)

- Two opposing views
- In favour of a “true, post trauma global amnesia followed by spontaneous or gradual full remembering (and therefore true)
- A false, iatrogenic process of recovery (and therefore false).
- Both views are overly simplistic.

The difficulty of interpreting a complainant's account of the process of remembering

- Melchert (1996) most who had suffered abuse tried not to remember
- Read & Lindsay (2000) found repeated attempts to remember abuse led to an *increase* in reports of not having previously remembered
- Williams (1995) reports of amnesia for abuse
- May not wish to talk about it (e.g., suspects)
- May realise difficulties associated with the way their report was elicited

The difficulty associated with assessing the origins of “suggestions” of abuse

- Credentials (Spanos, Burgess & Burgess, 1994)
- Repetitive questions/imagination/suggestions
- Hypnosis

Supporting evidence

- A pretrial admission
- Lies by the defendant
- Admissible evidence of previous/subsequent offending
- Physical forensic or medical evidence
- School records
- Recordings of the abuse
- Confirmation of other factual events recalled by the complainant
- Independent eyewitness accounts

Case Examples

There is a bias in the cases I am presenting
(these were contested trials).

Conclusions

- Expert witnesses should consider all points from the literature and use a case-specific approach to individual cases