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

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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 _ _ _ _ I _ _
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

Free Recall
Open Questions

Questioning
Tell, Explain, Describe
Specific 5WH

Leading

Quality

91% Decreasing

Quantity

20% Increasing

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