CHAPTER 1

Nature and Definition of Forensic Psychology

**Lecture Outline**

* The definition of forensic psychology
* The history of forensic psychology
* The varied roles that forensic psychologists play
* Haney ’ s Taxonomy

***Defining Forensic Psychology***

* According to American Board of Forensic Psychology (2007) Forensic psychology is the application of the science and profession of psychology to questions and issues relating to law and the legal system.
* The word *forensic* comes from the Latin word *forensic,* meaning “of the forum,” where the law courts of ancient Rome were held.
* Today, *forensic* refers to the application of scientific principles and practices to the adversary process in which specially knowledgeable scientists play a role
* Wrightsman and Fulero (2005) Define forensic psychology as “any application of psychological research, methods, theory, and practice to a task faced by the legal system” (p. 2).

**HISTORY OF FORENSIC PSYCHOLOGY**

* There is general agreement that although medical experts testified in some criminal cases in the 1800s.
* The roots of modern – day psychology and law were not established until the early part of the twentieth century.
* If these roots can be traced to one individual, it would perhaps be Hugo Munsterberg, who was the director of Harvard’s Psychological Laboratory.
* Munsterberg was a strong advocate of the application of psychological research to legal issues.
* Munsterberg reviewed research on such topics as the reliability of eyewitness testimony, false confessions, and crime detection and prevention, and argued that the legal system should make greater use of this research.
* He wrote that “ The courts will have to learn, sooner or later, that the individual differences of men can be tested today by the methods of experimental psychology far beyond anything which common sense and social experience suggest ” (p. 63).
* Munsterberg was a controversial figure whose claims for the contributions of psychology to law were not supported by empirical research.
* Criticisms of Munsterberg were rampant. As Doyle (2005) commented,“ What Munsterberg had failed to grasp was that his knowledge about the reliability of *witnesses* was not sufficient to answer the legal system ’ s concern for the reliability of the *verdicts* ” (p. 30).
* Notable among the critiques by both the legal and psychological communities was one by the legal scholar, John Wigmore.
* In a satirical article published in a law review in 1909, Wigmore staged a mock lawsuit in which he accused Munsterberg of libeling the legal profession and exaggerating his claim of what psychology had to offer the law.
* He subjected Munsterberg ’ s claims to a rigorous cross - examination in which he argued that psychological testimony about such issues such as eyewitness credibility should not be admissible in the courts. Of course, Munsterberg was found guilty.
* It is of interest to note that, despite his scathing critique of Munsterberg, Wigmore (1940) was positive about the potential of psychology to offer assistance to the courts on a range of legal issues, noting that the courts will be ready for psychologists when psychologists are ready for the courts.
* It was not until the past few decades that psychology has begun to answer Wigmore ’ s call.
* At the same time that Munsterberg published his book, Louis Brandeis, a lawyer who would later become a U.S. Supreme Court Justice, submitted, in the case of *Muller v. Oregon* (1908), a brief that summarized the social science research showing the impact that longer working hours had on the health and well - being of women.
* The Oregon court ’ s decision was consistent with the conclusions Brandeis reached in the brief.
* This marked the first time that social science research was presented in court in the form of a brief, and subsequent briefs of this nature became known as *Brandeis briefs.*
* The Oregon court ’ s decision was consistent with the conclusions Brandeis reached in the brief.
* This marked the first time that social science research was presented in court in the form of a brief, and subsequent briefs of this nature became known as *Brandeis briefs.*
* Another early historical event was the publication, in the prestigious journal *Psychological Bulletin* , of a series of articles by Guy Whipple that in part related memory and the accounts of witnesses.
* In an article published in 1909, Whipple set the stage for later laboratory research on witness behavior.
* Perhaps the most cited social science brief was the one submitted in the famous desegregation case, *Brown v. Board of Education* (1954).
* Led by psychologists Kenneth Clark, Isidor Chein, and Stuart Cook, a brief was prepared that summarized research demonstrating that segregation has negative effects on the self - esteem and other personality characteristics of African American children.
* The brief was cited as a footnote in the Supreme Court ’ s decision that segregation violated the Equal Protection and Due Process clauses of the Fourteenth Amendment. While it has since been debated whether or how much this research influenced the Court ’ s decision, there is no question that it marked the potential of using psychological research to inform courts about the negative consequences of social policies and practices.
* ***The modern era of forensic psychology*** can perhaps be traced to the late 1960s when two psychologists, Jay Ziskin and Eric Dreikurs, began discussions that led to the creation of forensic psychology’s first professional association (Grisso, 1991).
* These early meetings, which initially took place at the American Psychological Association Conference in San Francisco in 1968, led to the development of the American Psychology - Law Society (AP - LS).
* Ziskin in particular was the driving influence, and he had lofty aspirations for the impact of psychology and law.
* Whether AP - LS will realize Ziskin ’ s vision, it is noteworthy that AP – LS has thrived since its inception.
* AP - LS has now grown to over 2,000 members, has sponsored a major journal, *Law and Human Behavior* , a scholarly book series, and has developed guidelines for the professional practice of forensic psychology, among other accomplishments.

**THE ROLES OF FORENSIC PSYCHOLOGISTS**

* The American Board of Forensic Psychology (ABFP) provides the following list of the types of activities of psychologists engaged in the practice of forensic psychology:
* Psychological evaluation and expert testimony regarding criminal forensic issues such as trial competency, criminal responsibility, death penalty mitigation, domestic violence, drug dependence, and sexual disorders
* Testimony and evaluation regarding civil issues such as personal injury, child custody, employment discrimination, mental disability, product liability, professional malpractice, civil commitment, and guardianship
* Assessment, treatment, and consultation regarding individuals with a high risk for aggressive behavior in the community, in the workplace, in treatment settings, and in correctional facilities
* Research, testimony, and consultation on psychological issues impacting on the legal process such as eyewitness testimony, jury selection, children ’ s testimony, repressed memories, and pretrial publicity
* Specialized treatment service to individuals involved with the legal system
* Consultation to lawmakers about public policy issues with psychological implications
* Consultation and training to law enforcement, criminal justice, and correctional systems
* Consultation and training to mental health systems and practitioners on forensic issues
* Analysis of issues related to human performance, product liability, and safety
* Court - appointed monitoring of compliance with settlements in class – action suits affecting mental health or criminal justice settings
* Mediation and conflict resolution
* Policy and program development in the psychology - law arena
* Teaching, training, and supervision of graduate students, psychology, and psychiatry interns/residents, and law students

**Haney ’ s Taxonomy**

* Haney (1980) conceptualized the complexity and diversity of roles for psychologists in the legal system.
* He has suggested a threefold taxonomy to understand the multiple relationships of psychology and law: ***psychology in the law***, ***psychology and law***, and ***psychology of law***.
1. ***Psychology in the law*** refers to the “ explicit and conventional use of psychology by lawyers in the legal process ” (p. 153).
* This relationship accounts for the most common role of psychologists involved in legal issues, since it encompasses the activities of psychologists who conduct court - ordered evaluations or who consult with lawyers on legal issues. Examples include psychological testimony on legal issues such as the insanity defense or competency to stand trial.
* It might also address questions such as whether a particular offender is at risk for reoffending.
* For this type of involvement, psychologists must adapt their knowledge and expertise to the legal questions that the courts or law define. To be admissible in court, psychologists must demonstrate that their evidence is relevant to the legal question.
* ***Psychology in the law*** also refers to the roles that psychologists can provide as expert consultants in various aspects of legal proceedings. Lawyers employ psychologists to consult about the selection of jurors or how jurors might react to certain defense strategies. Psychologists have also been employed to conduct studies of the effect that pretrial publicity may have on a particular case. Such research can be used by lawyers in motions arguing for a change of venue to another community.
* Haney notes that *psychology in the law* accounts for the most frequent roles of psychologists in the legal system, and cautions psychologists to “ realize that when they are used *by* the legal system in this way they have little control over the ends to which their expertise is ultimately applied ” (p. 154).
1. ***Psychology and law*** involves the use of “ psychological principles to analyze and examine the legal system ” (p. 154). Unlike *psychology in the law* , the relationship of the two disciplines of law and psychology is one that involves “ coequal and conjoint use of psychological principles to analyze and examine the legal system ” (p. 154). Research that follows from this relationship examines the assumptions that the law makes about behavior. Examples include research on eyewitness accuracy, coerced and/or false confessions, and judicial decision making.
* This type of involvement can result in changes in the way in which the legal system operates.
* The extensive research on police lineups in the past two decades, which demonstrated biases in how suspects were identified by witnesses, formed the basis for recommendations by an AP - LS subcommittee for changes in lineup and photo spread procedures, many of which have been adopted by police throughout the United States (Wells et al., 1998).
1. ***Psychology of law*** , in which psychologists study issues such as why people need the law and why people obey the law, is the third relationship Haney suggested. Two major categories fall under this approach to examining psychology’s role. One, psychologists can study the origins and existence of law, in terms of the psychological functions that law serves. Two, psychologists can study how laws operate as a determinant of behavior. Haney recognizes that this approach to law is difficult for psychologists to apply to research, in part because “ the unit of analysis — law qua law — is too global and pervasive, and therefore not easily manipulated or systematically varied in ways familiar to psychologists ” (p. 156).
* Haney notes that the roles and expectations of psychologists are different for each of these three relationships.
* In the first relationship, psychologists have a more passive role, since the law defines the legal concepts that psychologists are asked to address. The second and third relationships provide more autonomous roles for psychologists in that they can define the legal issues they address.
* Haney comments that while the majority of psychologists are involved *in* the law, it is the other two relationships in which psychologists might have the most impact on legal change through research that examines how the law actually works or studies leading to changes that might improve legal procedures.

**CHAPTER 2**

**Eyewitnesses Testimony and Memory**

**Lecture Outline**

* **Legal aspects of eyewitness testimony**
* **Characteristics of human attention, perception and memory**
* **Eyewitness testimony research: methodological considerations**
* **Variables in the study of eyewitness memory**
* **Variables that impact on eyewitness’ testimony accuracy**
* **Witness characteristics**
* **Perpetrator variables**
* **Interrogational variables**
* **Misinformation due to source monitoring error**
* **Repressed or false-memory syndrome**
* **Interviewing eyewitnesses effectively**

 **Legal aspects of eyewitness testimony**

* ‘A witness to a crime is expected, as a civic duty, to report the crime to the police … At a later date the witness may be asked to give oral evidence in court about what he may have seen, and answer questions during cross-examination by the defense.’ (Home Office, 1998:19)
* ‘Testimony to personal identity is proverbially fallacious.’ (William James, 1890:97)
* The courtroom procedure followed in the United States, Australian, British, Canadian and New Zealand courts and in other countries with a common law system (for example, India, Malta, Cyprus) is known as the ‘adversary system’. Adversary system basically means that different sides to a dispute fight it out in court in order to obtain a favorable judgment .This is based on the belief that the ‘truth’ is most likely to be discovered when the disputing parties each present their version of the facts in question to a magistrate (lay or stipendiary) or to a judge or to a judge and jury**.**
* A widely known rule, *the hearsay rule*, enables a court in common law countries to exclude statements by persons who are not witnesses and who, therefore, cannot be cross-examined (Gillies, 1987).
* In common law jurisdictions, a criminal or civil case often involves, then, a contest between two parties in which the party initiating the proceedings wants to convince the court that the defendant incurred criminal or civil liability.
* The defendant has the choice of also ‘adducing’ evidence. Parties to a dispute can attempt to prove material facts by direct or circumstantial evidence.
* ‘*Direct evidence* is that which goes directly to prove a material fact.
* *Circumstantial evidence* requires the fact finder to draw inferences other than that the witness is correctly reporting what their senses registered’ (McGinley and Waye, 1994:9).
* There is a presumption that evidence should be given to a common law court in oral form (Magner, 1995:25). Therefore, oral evidence is an important feature of most trials and legal disputes in general.
* As Leippe (1994) rightly pointed out, the existence of an eyewitness is of importance in the investigation of a crime, in making the decision to prosecute a suspect and at trial where a confident witness could sway the jury (p. 385).

 **Characteristics of Human Attention, Perception and Memory**

Everyday witnesses in criminal and civil cases all over the world are asked by police, lawyers and others in and out of court to recall details of events, to describe a face and so forth on the assumption that the human memory operates like a video-recorder. This misleading passive model of human attention, perception and memory has, since the late 1970s, given way to the view that these are active processes, that perception and memory are also constructive processes, that a person’s knowledge of the world around them is of paramount importance in understanding what and how he/she perceives events or other stimuli and what they remember about them (Clifford and Bull, 1978).The mental processes by which we come to understand things is known as ‘cognition’ and is made possible by the combined work of attention, perception and memory. According to Davenport (1992), human attention can be thought of as a ‘low capacity, single channel’ operation which enables us to selectively attend to stimuli in our environment and within us (pp. 127–33). ‘Perception’ refers to those processes which take in, and make some sense of, all our sensations, that is, the input from our senses. Perception is an active process whereby we interpret what information we receive so that it is meaningful to us. How we interpret sensations is influenced by our age, cultural background, expectations, emotions, particular specialist knowledge and so forth (p. 135).Drawing on Gray (1999), the *modal model* *theory of the mind* (Atkinson and Shiffrin, 1968) has proved a useful framework for thinking and talking about the mind.

This model posits: **(a)** that the mind combines three memory stores, namely a sensory memory, a working or short-term memory) and a long-term memory; and **(b)** that the processing of information within stores and the movement of information between stores is governed by the following three central processes that comprise the *central* *executive* by controlling the flow of information:

**• *Attention* – from the sensory store into the working memory.**

**• *Encoding* – from the short-term memory into the long-term memory.**

**• *Retrieval* – from the long-term memory into the working memory (Gray, 1999:322).**

**Process of Memory**

 **Memory process involves three basic steps. These are:**

 **A. Encoding: refers to the process by w/h infn is initially recorded in form usable to memory.**

* **Transform a sensory input in to a form or a memory code that can be further processed.**

 **B. Storage: involves keeping/maintaining information in the memory.**

* **It is the location in memory system in w/h materials is saved.**

 **C. Retrieval: it involves the use of stored information when it is needed.**

* **Materials from storage memory brought in to awareness & used.**

**Theories of remembering**

* There are three representative theories of remembering which have impacted on the current controversy surrounding the processes involved when eyewitnesses recall are:

(a) *Schema theory*;

(b) *multiple-entry modular memory* *model*, *or memory monitoring*; and

(c) The ‘*headed records*’ theory

While schema-based (constructionist) theories hold that memory is subject to post-event contamination through assimilation and distortion over time and one cannot, therefore, access the original memory because it no longer exists, monitoring memory and headed records posit that memory events leave records that cannot be altered and are accessible under the appropriate circumstances (see Davies, 1993a, for a critical evaluation of these three theories).

In considering the structure and functioning of human memory we must not forget such memory disorders as *amnesia*, *hypermnesia,* and *paramnesia* .

Amnesia (that is, some defect/s of the mental process/es responsible for registration, retention and retrieval of information) may be total or partial, temporary or permanent, and may be attributable to cerebral causes (for example, senile dementia, brain injury) or to inattention which, in turn, may be voluntary or involuntary.

*Hypermnesia* refers to being able to retain and retrieve an incredible amount of detail (see Ham, 1996; Hunter, 1957). Ham describes the case of Briton, Dominic O’Brien, who has won the World Memory Championships for three consecutive years and who in 1995 won by memorizing 2080 playing cards – a total of forty packs – in the exact sequence in which they were dealt (pp. 27–8).

*Paramnesia* means false recollection, a clinical condition that can be attributed to ‘a disorder of the mental processes responsible for the appreciation of feelings of familiarity’ (Power, 1977:137). An everyday example of paramnesia is the occasional déjà vu experience familiar to most people. With increasing incidence, this experience becomes responsible for fabrications or ‘illusions of memory’. The term ‘confabulation’ is used by clinicians to describe cases where people ‘fill in’ memory gaps with imagined experiences.

**Variables in the Study of Eyewitness Memory**

Wells (1978) made an important distinction between ‘system’ variables (that is, those factors the criminal justice system can do something about, procedures used to enhance the accuracy of eyewitness testimony) and ‘estimator’ variables (that is, characteristics of the witness which influence witness accuracy that the criminal justice system cannot do anything about).

Drawing on a taxonomy of variables first used by Clifford (1981:21), Hollin (1989) categorized eyewitness memory variables under the heading of ‘social’ (attitudes, conformity, stereotypes, prejudice, status of interrogator), ‘situational’ (complexity of event, duration of event, illumination, time delay, type of crime), ‘individual’ (age, cognitive style, personality, race, sex, training) and ‘interrogational’ (artists’ sketches, computer systems, identification parades, mugshots, photofits). As Hollin pointed out, eyewitness researchers have been concerned with the effects of these variables at the stages of acquisition, retention and retrieval.

***Event Characteristics***

* *Passage of time:* the interval between witnessing an event and being questioned about it can vary from a few minutes to months and even years. It is very well established in eyewitness testimony research that both children and adults forget things over time (Flin et al., 1992).
* *Frequency:* Powel and Thomson (1994) found that the greater the frequency of an event, the better people will remember it as having occurred and details about it. However, if people are asked to remember a specific occasion when a recurring event took place, the accuracy of recall decreases the more times it has occurred.
* *Duration:* the time it takes to commit a particular crime can range from a few seconds to a few minutes or even longer. An assault may be over in a fraction of a second, an armed robbery of a bank or of a person in the street may well be over in less than a minute (Kapardis, 1989), while a brawl between two street gangs or an abduction or a rape could last for much longer.
* A defining feature of ‘good’ quality witness identifications (as opposed to ‘poor’ ones) is that the witness had ample time to get a good look at the suspect.
* *Illumination:* crimes take place round the clock and illumination, the amount of light available at the scene of the crime, is undoubtedly a relevant factor.
* *Weapon:* Experimental psychologists have examined the effect of a weapon in the hands of an offender on witness testimony.

Witness Characteristics

* *Reflection-Impulsivity:* A reflective individual is someone who has a strong tendency to consider a number of possible answers to a question before responding. Thus, in being asked to decide whether the culprit is in a line-up, an impulsive individual will take less time to decide than a reflective one.
* *Morning–Evening Type:* different people prefer different schedules in their daily lives. More specifically, morning-type individuals (known as ‘larks’) are said to **reach their** arousal peak 3 hours before the evening-type ones – known as ‘owls’ (Kerkoff, 1985). In fact, in free recall, ‘larks’ perform better in the morning and the ‘owls’ perform better in the evening (Lecont, 1988).
* *Need for Approval/Affiliation:* Affiliation refers to ‘forming associations involving cooperation, friendship and love’ (Davenport, 1992:123). Schill (1966) reported that persons high in need for affiliation (n-Aff) showed greater perceptual sensitivity to face-related stimuli than those low on n-Aff (Atkinson and Walker, 1955) and, similarly, persons high in need for approval (n-App) performed better in a memory task for faces than those low in n-App.
* *Intelligence:* no relationship has been found between intelligence and the accuracy of eyewitness testimony.
* *Cognitive Style:* Kogan (1971) defined ‘cognitive style’ as a characteristic way of perceiving, storing, transforming and utilizing information. A widely cited example of cognitive style in psychology is field dependence/field independence. This construct describes one’s ability to discriminate parts from the whole in which they are embedded.
* Durso et al. (1985) reported that field-dependent persons are more likely than field-independent ones to confuse memories of actual and illusory events.
* *Levelling-Sharpening:* ‘Levelling-sharpening’ refers to reliable individual variations in assimilation in memory (Gardner et al., 1959). Levellers have been described as tending to blur similar memories and to merge perceived objects or events with similar but not identical events recalled from previous experience (Hosch, 1994:343).
* *Mood:* According to Gudjonsson (1992a), the basic idea is that people find it easier to remember an event if they are in a similar mood (Haaga, 1989) or under the influence of a particular drug (Overton, 1964) or alcohol (Lisman, 1974) as when they witnessed the event.
* *Age:* According to Light (1991): ‘Older adults complain more about memory than younger adults’ (p. 333). Laboratory studies of memory have found that persons over the age of 60 perform less well than persons in their twenties on free recall, recognition of lists of words or sentences.
* Gender: a witness’ gender has been found to influence the types of details that are remembered from an incident. Powers et al. (1979) reported that females are more accurate in their memory recall than males for ‘female-oriented’ details and vice versa.
* *Schemas/Stereotypes:* A *stereotype* is a set of beliefs about the personal attributes shared by a group of people. Stereotypes are a type of schema and, therefore, they distort reality (as do all such concepts) and oversimplify it to a certain degree.
* *Physical Attractiveness:* a good example of a popular stereotype is the general belief that ‘what is beautiful is good’ (Ashmore et al., 1966). Regarding what is ‘attractive’, without ignoring variations in standards of beauty across cultures.
* *Confidence:* When it comes to ascribing credibility to an eyewitness, his/her confidence ‘is the most powerful determinant’ (Wells, 1985:58).

**Interviewing Eyewitnesses Effectively**

***Using Neuro-linguistic Programming to Build Rapport***

* Neuro-linguistic programming (O’Connor and Seymour, 1990) is being used by the FBI to train its special agents in developing skills for building rapport with eyewitnesses with traumatic experiences (Sandoval and Adams, 2001). The basic idea is that the interviewer develops a personal bond with the interviewee that is conducive to trust.
* This, in turn, encourages the witness to provide information. The personal bond is achieved by the interviewer leaning forward, being attentive and subtly and continuously matching the following characteristics of the witness: (a) language (that is, use of similar visual, auditory or kinesthetic phrases); (b) kinesics (non-verbal behavior/body language, that is, gestures, posture, movement of the hands, arms, feet and legs); and, finally, (c) paralanguage (choice of words, how something is said, the speech rate, volume, and pitch of speech).
* The aim is for the witness to feel the interviewer is genuinely interested in him/her as an individual, thus increasing rapport and enhancing communication, resulting in the witness providing crucial information about the crime in question (Sandoval and Adams, 2001:5).

**Cognitive Interview (CI)**

* The CI has been largely the work of American psychology professors Fisher and Geiselman (Fisher and Geiselman, 1992; Geiselman et al., 1984). They have utilized four principles derived from the empirical literature on information retrieval (Bower, 1967; Tulving, 1974) which increase recall accuracy without increasing the amount of inaccurate information remembered.
* According to Geiselman et al. (1984), the four principles (mnemonic aids) are: (a) reinstate the context (Clifford and Gwyer, 1999), that is, the conditions under which the event in question was encoded; (b) report everything, however trivial it may seem; (c) recount the event in different orders; and (d) recount the event from different perspectives.

***Forensic Hypnosis***

* Haward (1990) defined forensic hypnosis as ‘Hypnotic techniques applied to information-gathering for evidential purposes’ (p. 60). Reiser (1989) is a strong advocate of the view that hypnosis could be used to enhance witness memory accuracy. Orne (1979), however, sees hypnotic techniques to be most appropriately utilized in the investigative context.

**Chapter 3**

**Children as Witness**

**Lecture Outline**

* Legal aspects of children as witnesses
* Children’s remembering ability
* Deception in children
* Factors that impact on children’s testimony
* Enhancing children’s testimony
* Interviewing children in sexual abuse cases

**Legal Aspects of Children as Witnesses**

* Police Standing Orders and statutory provisions in various jurisdictions require that where a child is questioned, a parent, guardian, relative or, in special circumstances, a responsible adult be present except where it is impracticable or for other sufficient reasons.
* Many countries, including the United States and Canada, still make use of competency examinations for children under the age of 14.
* The basic test is: does the witness understand the difference betweenlying and telling the truth in court and does the witness, whether on oath or inaffirmation, also understand the duty of telling the truth?
* It was found that younger children (aged 7 to 9) were more likely to perceive telling the truth when giving testimony in court as a way of avoiding punitive consequences while older children (aged 11 to 13) were more concerned with upholding the laws and rules of society. The introduction of closed-circuit television for child witnesses in a number of different jurisdictions has been done with the intention of avoiding a situation where the victim has to confront the defendant in court, as well as to save the child the traumatic experience of testifying in the formal and anxiety-provoking atmosphere of the courtroom (Goodman et al., 1992). It was the United States that pioneered the use of closed-circuit television for child witnesses in criminal cases in 1983.

**Children’s Remembering Ability**

* what differences in memory accuracy exist between children of different ages? And
* (b) how do children of different ages compare with adults in terms of accuracy of their reports?
* As far as the meaning of ‘accuracy’ is concerned, Fivush (1993) has offered an operational definition in terms of the ‘agreement between the individual’s recall and either an objective record of the event or social consensus from other participants of the event as to what occurred’ (p. 2).
* Regarding the relationship between children’s memory accuracy and age, as early as 1902, on the basis of his memory experiments with subjects aged 7 to 18 years, Stern reported that the amount of information given in free recall increased steadily with age.
* Stern (1902)) also found that the older the subject, the more accurate the answers elicited by direct questioning.
* Goodman et al. (1987) also confirmed Stern’s finding that whilst 6-year-old children generally remember less information than adults, they are able to give accurate descriptions if asked to freely recall, but 3-yearold children are less accurate than older children.
* Clifford (1993) reported experimental comparisons of children aged 4/5 vs. 9/10 under immediate recall or one week’s delay and children aged 7/8 vs. 11/12 recalling what they saw on a video after one or five days. Clifford found that memory increases with age.
* The fact is that young children (for example, aged 3 to 6) can be accurate if asked specific questions. However, if such children are asked different questions about the same event in different interviews, they are likely to yield inconsistent responses.

**Deception in Children**

* Ceci and Leichtman (1992) showed that 3-year-olds are able to misinform others by, for example, telling the interviewer that they did not know who broke a toy or claiming it had been broken by someone else.
* According to Vrij (2002), it is generally accepted that children are capable of telling deliberate lies at 4 years of age (Newton et al., 2000). Lewis et al. (1989) reported that about half of the 3-year-olds in America can tell lies with enough control of their facial muscles to avoid detection.
* Drawing on Vrij (2002), it can be said that even 3-year-old children will lie when they have a motive, such as to avoid punishment, to protect a loved one or because someone has asked them to do so, while older children may also lie for a reward. There is also some evidence that, compared to older children, younger ones will show more clearly non-verbal indicators of deceit, such as signs of nervousness or signs of hard thinking; with increasing age, children become better liars; parents are better at detecting lies in children than non-parents; it is easier to detect lies in children by listening to their voices than by looking at their faces.

**Factors that Impact on Children’s Testimony**

* ***Past Abuse:*** It was found that non-abused children were more accurate in answering specific questions and made fewer errors in identifying the unfamiliar adult in a photo identification task and (especially for younger non-abused boys), freely recalled more information.
* ***Presence of the Perpetrator:*** It has been found, for example, that the presence of the perpetrator makes it less likely that children aged 3, 5 and 9 years will report the perpetrator’s misdeed.

**Factors that Impact on Children’s Testimony**

* ***Stressful Events:*** *:* stressful events often impact children negatively on their testimony in terms of both the quantity and accuracy of their reports (Hill and Hill, 1987).
* ***Leading questions:*** children are susceptible to the effect of suggestive questioning, that is, they are suggestible.

**Interviewing Children in Sexual Abuse Cases**

Bruck and Ceci (1995:309) concluded that the following reduce the risks of suggestibility effects:

* A child’s report after a single interview rather than after multiple interviews.
* Asking a child non-leading questions.
* The interviewer not having a confirmatory bias that is, not blindly following only one hypothesis.
* Not repeating closed-ended yes/no questions during the same or different interviews with a child.
* If the interviewer is patient, non-judgmental and does not try to create demand characteristics, in other words, does not in any way, subtle or otherwise, bias a child to answer a question in a particular way.

Yuille et al. (1993:99–100) advocate using their method known as the ‘Step-Wise Interview’. The nine steps are:

1. Rapport building

2. Requesting recall of two specific events

3. Telling the truth

4. Introducing the topic of concern

5. Free narrative

6. General questions

7. Specific questions (if necessary)

8. Interview aids (if necessary)

9. Concluding the interview

Yuille et al. also list four major goals of an investigative interview, namely:

1. Trauma-minimization of the investigation for the child.

2. Obtaining maximum information from the child about the alleged event/s.

3. Minimizing the interview contamination effects on the child’s memory for the event/s in question.

4. Maintaining the integrity of the investigative process.

**Chapter 4**

**Lies, lie detecting and credibility**

**Lecture outline**

* Types of lie
* Reasons to lie
* Frequency of Lying
* Ways to catch liars
* Nonverbal behavior and deception
* Physiological reactions and deception
* The polygraph
* Types of polygraph tests
* Difficulties and pitfalls for lie detectors
* Meaning and concepts of lie

**Definition of Lie**

* Deception is defined as ‘‘a successful or unsuccessful deliberate attempt, without forewarning, to create in another a belief which the communicator considers to be untrue’’ (Vrij, 2000a: p. 6). Some elements of this definition are worth mentioning.
1. Lying (scholars use the words ‘‘lying’’ and ‘‘deception’’ interchangeably) is an **intentional act**. Someone who does not tell the truth by mistake is not lying. A woman, who mistakenly believes that she was sexually abused in her childhood and reports this to the police, has given a false report but is not lying. Moreover, sometimes two witnesses give different accounts of the event they have witnessed. This does not necessarily mean that one of the two witnesses is lying. It might well be that (at least) one witness misremembers the event.
2. People are lying only when they do not inform others in advance about their intentions to lie (Ekman, 1992). Magicians are therefore not lying during their performance, as people in the audience expect to be deceived.
3. A lie has been defined solely from the perspective of the deceiver (Vrij, 2002). That is, a statement is a lie if deceivers believe what they say is untrue, regardless of whether the statement is actually false. Strictly speaking, even an actual truth could be a lie. Suppose that a child and his friend have eaten all the biscuits in the open pack and, unknown to the mother, have also eaten those in the pack from the cupboard. When he asks for a new pack to be opened, his mother, in an effort to prevent him from eating too much, tells him that he cannot have more because there are no packs left in the cupboard. This truthful statement is a lie as long as the mother believes that there is a pack left.

**Types of Lie**

DePaulo et al. (1996) distinguished among **outright lies, exaggerations and subtle lies**.

1. **Outright lies** (also referred to as **falsifications**) are lies in which the information conveyed is completely different from or contradictory to what the deceiver believes is the truth. A guilty suspect who assures the police that he has not committed the crime is telling an outright lie.

2. **Exaggerations** are lies in which the facts are overstated or information is conveyed that exceeds the truth. For example, suspects can embellish their remorse for committing a crime during a police interview.

**3. Subtle lying** involves literal truths that are designed to mislead. The former president of the USA, Bill Clinton, was telling such a lie in 1998 when he said to the American people that he ‘‘did not have sexual relations with that woman, Miss Lewinsky’’. The lie was subtle, because the statement implied that nothing of a sexual nature had happened between them, whereas he was relying on the narrower definition by which they did not have sexual intercourse. Another type of subtle lying involves concealing information by evading the question or omitting relevant details. Passengers who tell customs officers what is in their luggage are concealing information if they deliberately fail to mention that they also have illegal drugs in the luggage.

**Reasons to Lie**

* People lie for at least five reasons (Vrij, 2000a, 2002). People lie in order to obtain personal advantage. Sometimes, business people conceal the true financial state of their companies in order not to deter shareholders. People lie in order to avoid punishment. Guilty suspects sometimes lie about their involvement in the crime during police interviews to avoid a possible conviction. People lie to make a positive impression on others or to protect themselves from embarrassment or disapproval. Sometimes people do not wish to admit they have made a stupid mistake.
* The lies mentioned so far are self-oriented, and are intended to make the liar appear better or to gain personal advantage (DePaulo et al., 1996). People also lie to make others appear better, or lies are told for another person’s benefit. An innocent mother may tell the police that she committed the crime in order to save her guilty son from a conviction. Such a lie is other-oriented. Unsurprisingly, many other-oriented lies are told to people to whom the liar feels close and are meant to protect people to whom the liar feels close (Bell & DePaulo, 1996). Finally, people may lie for the sake of social relationships.
* Goffman (1959) pointed out that life is like a theatre and that people often act as actors and put on a show. Conversations could become awkward and unnecessarily rude, and social interactions could easily become disturbed if people told each other the truth all the time (‘‘I didn’t like the food you prepared’’, ‘‘I don’t like the present you gave me’’, and so on). Social relationships may depend upon people paying each other compliments now and again. Most people will probably appreciate it when others make positive comments about their latest haircut. Making deceptive but flattering remarks might therefore benefit mutual relations. Social lies serve both self-interest and the interest of others. For example, liars may be pleased with themselves when they please other people, or might tell a lie to avoid an awkward situation or discussion.

**Frequency of Lying**

* Lying is a fact of everyday life. In an American diary study (DePaulo et al., 1996), 77 college students and 70 community members kept records of all the lies they told during one week. College students reported telling two lies a day, and community members told one lie a day. Most lies were self-serving.
* The frequency of lying depends on several factors, such as the personality of the liar, the situation in which the lie is told and the people to whom the lie is told. Regarding personality, extraverts lie more often than introverts (Kashy & DePaulo, 1996).
* Although no gender differences have been found in the frequency of lying, men and women tell different types of lies, women telling more social lies (DePaulo & Bell, 1996; DePaulo et al., 1996).
* Regarding the issue of to whom the lie is told, DePaulo and Kashy (1998) found that the lowest rate of lying occurred in conversations with spouses, while the highest rate occurred with strangers. However, the results demonstrated that deception occurs in all types of close personal relationships.
* One reason why people lie less to their romantic partners (and also to friends) than to strangers is that they have a desire to be honest to people they feel close to, but there are also other reasons (Anderson, Ansfield & DePaulo, 1999).
* The fact that friends and partners know more about us limits the topics that are suitable or ‘‘safe’’ to lie about.
* People tell different lies to their romantic partners than to people they know less well. Metts (1989) found that people are much less likely to tell outright lies to their romantic partners. They believe that the risks are too high and that the partner will eventually find out that they are lying. Moreover, they expect problems as soon as the outright lie is detected, because liars may find it difficult to justify the fact that they lied to their partner, without appearing untrustworthy.
* Lies told to spouses are therefore usually subtle lies such as concealments (Metts, 1989). These are usually difficult to detect, because the liar does not reveal information that can be checked. The lie is also easier to justify when the truth emerges. The liars could just say that they simply forgot to mention a specific detail, or did not consider it important enough to bring up, and so on.
* Although people tend to lie less to those with whom they feel close, there are exceptions. For example, a consistent finding is that college students lie frequently to their mothers (Backbier & Sieswerda, 1997; DePaulo & Kashy, 1998; Lippard, 1988). DePaulo and Kashy (1998) found that students lie in almost half of the conversations they had with their mothers. Perhaps they are still dependent on their mothers (for example, financially) and sometimes have to lie in order to secure monetary resources. Another explanation is that they do not want their mothers to worry or disapprove of them. They therefore tell their mothers that they do not drink much beer, that they attend all lectures, that they study hard for their exams and that they regularly clean their room.

**Ways to catch liars**

* **The first** is to observe their nonverbal behavior (body movements, smiling, eye contact, voice pitch, speech rate, stuttering and so on).
* **The second** is to analyze the content of what they say.
* **The third** is to examine their physiological responses (blood pressure, heart rate, sweating of the fingers and so on). These three aspects will now be reviewed.

**NONVERBAL BEHAVIOUR AND DECEPTION**

There are three processes that a liar may experience: emotion, content complexity and attempted behavioral control.

1. **Emotions**

Telling a lie might evoke emotions. The three most common types of emotion associated with deceit are guilt, fear and duping delight (Ekman, 1992). Liars might feel guilty because they are lying, might be afraid of getting caught or might be excited about having the opportunity to fool someone. The strength of these emotions depends on the personality of the liar and on the circumstances under which the lie takes place (Ekman, 1992). Guilt, fear and excitement may (independently) influence a liar’s behavior. Guilt might result in gaze aversion because the liar does not feel able to look the deceived person straight in the eye while telling a lie. Fear and excitement might result in signs of arousal, such as an increase in limb movements (movements of arms, hands, fingers, legs and feet), an increase in speech fillers (pauses in speech filled with ‘‘ah’’, ‘‘um’’, ‘‘er’’ and so on), speech errors (word and/or sentence repetition, sentence change, sentence incompletions, slips of the tongue and so on), facial emotional expressions (expressions of fear, anger, disgust, etc.) or a higher pitched voice.

1. **Content Complexity**

Sometimes lying can be difficult, as liars have to think of plausible answers, avoid contradicting themselves, tell a lie that is consistent with everything which the observer knows or might find out, and avoid making slips of the tongue. Moreover, liars have to remember what they have said, so that they can be consistent when asked to repeat their story. People engaged in cognitively complex tasks make more speech fillers and speech errors, pause more and wait longer before giving an answer (Goldman-Eisler, 1968). Cognitive complexity also leads to fewer limb movements and to more gaze aversion. The decrease in limb movements is due to the fact that a greater cognitive load results in a neglect of body language, reducing overall animation (Ekman & Friesen, 1972). Gaze aversion (usually to a motionless point) occurs because looking at the conversation partner distracts from thought.

**Attempted Behavioral Control**

* Liars may worry that several cues will give their lies away; therefore, they will try to suppress such signs and might engage in ‘‘**impression management**’’ (Krauss, 1981) in order to avoid getting caught. That is, they may try to give a convincing impression. While lying, people may worry about the impression they make on others; they may be keen on making an impression of being honest, perhaps even more so than when they are telling the truth.
* Another effect of inadequate control of behavior is that performances may look contrived due to a lack of involvement (DePaulo et al., 2003). An artist who applies for a job as salesperson because he needs the money may not look enthusiastic enough about the job opportunity during the selection interview. A mother who punishes her child for wrongdoing might not look sincere enough if she, in fact, was amused by the trick played on her.

**Nonverbal Cues to Deceit**

* The literature reviews mentioned above (DePaulo et al., 2003; Vrij, 2000a) have revealed that four behaviors in particular are more likely to occur during deception than while telling the truth **a higher pitched voice,** **an increase in speech errors (in particular, an increase in word and phrase repetitions), a decrease in illustrators (hand and arm movements designed to modify and/or supplement what is being said verbally) and a decrease in hand/ finger movements (movements of hands or fingers without moving the arms).** These findings provide support for all three processes. Specific eye movements (‘‘looking up to the left indicates truth telling and looking up and to the right or staring straight ahead indicates lying’’) are related to deception (Hess, 1997; Leo, 1996a).

**Physiological reactions and deception:** **the polygraph**

* The term ‘‘polygraph’’ is derived from two Greek words, ‘‘poly’’, meaning ‘‘many’’, and ‘‘grapho’’, meaning ‘‘to write’’). This is a scientific measuring device which can display, via ink pens onto charts, or via a computer’s visual display unit, a direct and valid representation of various types of bodily activity (Bull, 1988). The most commonly measured activities are sweating of the fingers, blood pressure and respiration (Ben-Shakhar & Furedy, 1990). The polygraph accurately records even very small differences by amplifying signals picked up from sensors attached to different parts of the body.
* In the typical use of the polygraph, four sensors are attached to the subject. Pneumatic gauges are stretched around the person’s chest and stomach in order to measure changes in the depth and rate of breathing. A blood-pressure cuff placed around the bicep measures changes in blood pressure, and metal electrodes attached to the fingers measure sweating.

**Types of Polygraph tests**

There are two types of polygraph tests.

1. The Control Question Test (CQT)
2. Guilty Knowledge Test (GKT)

**1. The Control Question Test (CQT)**

* The CQT compares responses to relevant questions with responses to control questions.
* Relevant questions are specific questions about the crime. A relevant question in a murder investigation could be this: ‘‘On March 12, did you shoot Scott Fisbee?’’ (Iacono & Patrick, 1997).
* Control questions deal with acts that are related to the crime under investigation, but do not refer to the crime in question.
* They are general in nature, deliberately vague, and cover long periods of time. They are meant to embarrass the suspects (both guilty and innocent) and to evoke arousal.

**2. Guilty Knowledge Test (GKT)**

* The aim of the GKT is to examine whether examinees possess knowledge which they do not want to reveal about a particular crime. For example, suppose that the examinee killed somebody with a knife, left the knife at the murder scene and tells the police that he is not involved in the crime in any way. The police might then try to find out by the GKT whether the suspect is telling the truth or not when he denies any involvement in the crime. In this test, the examiner will show the suspect several types of knife, including the one used in the murder. For each knife, the examinee will be asked whether he recognizes the knife as the one used by him. Both innocent and guilty examinees will deny each time that they have used such a knife. A guilty examinee, however, will recognize the knife he has used. It is assumed that this so-called guilty knowledge will produce a heightened physiological response that will be detected by the polygraph.

**DIFFICULTIES AND PITFALLS FOR LIE DETECTORS**

**1. Pinocchio’s Nose**

Hirsch and Wolf (2001) took Pinocchio’s growing nose literally and claimed that Clinton’s nose actually swelled when he lied during his televised testimony in the Monica Lewinsky trial. Obviously, consistency between liars and consistency within the same liar is necessary to make an appropriate claim about having found Pinocchio’s growing nose. In a more recent study (Pavlidis, Eberhardt & Levine, 2002) claimed that liars could be detected by recording thermal warming around the eyes. The technique, which does not require physical contact with the examinees, has, according to Pavlidis et al., ‘‘potential for application in remote and rapid security screening, without the need for skilled staff or physical contact’’ (p. 35).

**2. Othello Error**

The fact that truth tellers and liars might experience the same processes (emotions, cognitive load and attempted control) implies that they might respond similarly, hampering lie detection. As mentioned above, both guilty and innocent suspects might be afraid during police interviews: guilty suspects because they are afraid of getting caught, and innocent suspects because they are afraid that they will not be believed. Therefore, because of that fear, guilty and innocent suspects may show the same nervous behaviors. This puts lie detectors in a difficult position. Should the signs of fear be interpreted as a sign of guilt or as a sign of innocence?

The behavior, speech content or physiological response does not provide the answer. Unfortunately, lie detectors seem not to be fully aware of this and are often inclined to interpret signs of nervousness as deceptive even when they are displayed by truth tellers. Ekman (1992) labelled this phenomenon the ‘Othello error’, after Shakespeare’s play. Othello falsely accuses his wife Desdemona of infidelity. He tells her to confess since he is going to kill her for her treachery. Desdemona asks that Cassio (her alleged lover) be called so that he can testify to her innocence. Othello tells her that he has already had Cassio murdered. Realizing that she cannot prove her innocence, Desdemona reacts with an emotional outburst. Othello misinterprets this outburst as a sign of her infidelity.

**Chapter 5**

**Statement Validity Analysis/SVA: Criterion Based Content Analysis/CBCA and Validity Checklist**

**Lecture outline**

* Essence andElementsof Statement validity analysis
* Reality criteria
* CBCA criteria
* Items that comprise validity check-list
* Major limitations of SVA
* Validity check-list

**Essence and Elements of** **Statement Validity Analysis/SVA**

Following a West German Supreme Court decision in 1954, German psychologists came to play an important part appearing as expert witnesses in court testifying on the truthfulness of witness statements, especially in sex cases, utilizing a method known as ‘statement reality analysis’, developed by Undeutsch and known widely as statement analysis.

The theoretical basis of this technique is that people’s accounts of events actually experienced are both quantitatively and qualitatively different from fictitious accounts, whether invented or coached.

The SVA consists of three main elements: (a) a structured interview; (b) a criteria-based content analysis (CBCA) which assesses systematically the contents and qualities of the statement made; and (c) a set of questions (Validity Check List) that evaluates the outcome of the CBCA.

Undeutsch (1982) put forward eight reality criteria (features) for deciding the objective reality, and truthfulness, of a statement.

The criteria are: ‘Originality; Clarity; Vividness; Internal consistency; Detailed descriptions which are specific to the type of offence alleged; A reference to specific detail that would under normal circumstances be outside the experience of the witness or victim; The reporting of subjective feelings’ and, finally, ‘spontaneous corrections or additional information’ (Gudjonsson, 1992a:201).

Steller and Köhnken (1989) have been critical of earlier work on this technique and have proposed using a total of nineteen criteria instead of Undeutsch’s eight which are more likely to be found in truthful than in deceptive statements.

Drawing on Vrij (2000:117), the following are the nineteen CBCA criteria:

* ***General characteristics:*** logical structure; unstructured production; quantity of details.
* ***Specific contents:*** contextual embedding; descriptions of interactions; reproduction of conversation; unexpected complications during the incident; unusual details; superfluous details;
* ***Motivation-related contents:*** spontaneous corrections; admitting lack of memory; raising doubts about one’s own testimony; self-deprecation; pardoning the perpetrator.
* ***Offence-specific elements:*** details characteristic of the offence.

Vrij (2000:123) lists the following eleven items that comprise the validity check-list, adapted from Steller (1989):

* ***Psychological characteristics*** (of the interviewee):
1. Inappropriateness of language and knowledge.
2. Inappropriateness of affect.
3. Susceptibility to suggestion.
* ***Interview characteristics:***

4 . Suggestive, leading or coercive questioning.

5 . Overall inadequacy of the interview.

* ***Motivation:***

6. Questionable motives to report.

7. Questionable context of the original disclosure or report.

8. Pressures to report falsely.

* ***Investigative questions:***

9. Inconsistency with the laws of nature. 10 Inconsistency with other statements.

11. Inconsistency with other evidence.

**Chapter 6**

**Sexual Offenders/Rapists**

**Chapter Outline**

* The nature of sexual offender/ rapists
* Types of sexual offender/ rapists
* Phallometry
* Theories of rape
* Paedophiles and child molestation
* Classifications of child molesters
* The nature of paedophile offences
* Theories of paedophilia

**The nature of sexual offender/ violence**

It is clearly too simplistic to regard rape as the result of an uncontrolled, intense sexual lust. There are many reasons to be dubious about this formulation. For example, there is some evidence that sexual deprivation is not an essential component of rape (Howitt, 1991a). Rape commonly involves physical violence, of course.

This, in some cases, goes substantially beyond the levels required to force the victim to participate in sex.

**Types of Sexual offender/ rapist**

***1. The power-assurance rapist:***

• This describes the commonest type of rapist.

• The rape is concerned with dealing with the rapist’s insecurities about his masculinity.

• As the offence may not help with the insecurities and because the insecurities are deep, there may be only a short interval before he needs to offend again.

• Force is not great and threats may be involved. Weapons are not common in this form of rape.

 • Usually the rape is planned – there may be prior surveillance of the victim.

***2. The power-assertive rapist:***

• This type of offender is sexually confident. Rape expresses his virility and sexuality, and power over women.

• Victims may be found in social locations such as discos, pubs or parties. Initially his manner may be friendly but may quickly change.

• Violence is extreme especially in the later stages. He does not appear to be the stereotypical rapist as he is socially skilled.

• Offences may be scattered and irregular in terms of frequency of occurrence.

• This pattern may be common in date-rape.

***3. The anger-retaliatory rapist:***

• The offender has extremely high levels of anger towards women such that, for example, degrading activities may be involved in the rape.

• It involves short intense attacks (blitz).

• Characteristically, there is a similarity between the victim and the woman he has a grudge against.

• Attacks may be fairly regular as a consequence of the build-up of anger.

***4. The anger-excitement rapist:***

• This is the least common type of rapist.

• The rapist gains pleasure and sexual excitement from viewing the distress of his victim.

• Thus the infliction of pain is common and violence is at such high levels that the victim may be killed. Torture is common.

• There is careful, methodological planning.

• He will bring such items as blindfolds, gags and ropes to the rape.

• Victims are usually total strangers to the offender.

• Photographs and video-recordings may be taken.

• Usually attacks are irregular, in part determined by the time at which his careful planning is complete.

**Phallometry (also known as plethysmography)**

* The phallometer is a device that measures the size of a penis as an indicator of sexual arousal. There are two types:

*1. Volume phallometry* measures the volume of the penis. Essentially, a man’s penis is put inside a glass tube. Changes in the size of his penis will cause changes in the pressure inside the tube. These changes may be measured through a meter or recorded on a electrical, moving pen device (much like a lie-detector machine)

*2. Circumference phallometry* measures the circumference of the penis with a flexible ‘tube’. Changes in circumference lead to changes in the electrical signals that are fed to the recording device.

**Theories of rape**

* Ellis (1989) identified three major theories of rape:
1. Feminist theory;
2. Social learning theory;
3. Evolutionary theory.

**1. Feminist theory**

This essentially argues that rape is built into the gender structure of society. A dense network of different ways of controlling women buttresses male power. As such, one would expect this control to be manifest in many aspects of society. It has been manifest in the law (e.g. the denial of women’s property rights, considering it reasonable that a man should be allowed to beat his wife and so forth) as well as domestic relations between men and women.

Basic tenets of feminist theory, according to Ellis, are the following:

• Rape should be associated with sex disparities in social status and power. (p. 20)

• Rape is primarily motivated by a desire for power and dominance rather than a desire for sex. (p. 21)

**2. Social learning theory**

This basically suggests that rapists learn to be rapists by learning pro-rape beliefs and attitudes from their social milieu. For various reasons, rapists tend to learn the pro-rape cognitions more effectively than non-rapists do. Ellis mentions the following hypotheses based on social learning theory, among others. Notice that the hypotheses derived from social learning theory are not necessarily very different from those proposed by feminist theory:

• Rapists should hold attitudes that are more favorable towards rape, and towards violence in general, than other men. (p. 33).

**3. Evolutionary theory**

Socio-biological theory is largely about one’s adaptiveness for the transmission of one’s genetic material to the next generation. Rape, according to a socio-biological perspective, should reflect this basic principle of behavior. In other words, the hypotheses for evolutionary theory should emphasize the functionality of rape for the transmission of genetic material to the next generation.

The following hypotheses are feasible:

* Tendencies to rape must be under some degree of genetic influence. (p. 43)
* Forced copulations should impregnate victims, at least enough to offset whatever risks rapists have of being punished for their offences. (p. 47)
* Rape victims should be primarily of reproductive age. (p. 50)
* Rape should be vigorously resisted by victims, especially when the offender is someone to whom the females are not sexually attracted. (p. 50)
* Rapists (especially those who assault strangers) should be less likely than other males to attract voluntary sex partners. (p. 52)

**Paedophiles and child molestation**

**Classifications of child molesters**

* One of the commonest taxonomies of child molesters is the dichotomy between fixated and regressed offenders (Groth and Birnbaum, 1978):

1. ***Fixated offenders*:** these are said to be developmentally fixated on a permanent or a temporary basis such that their sexual interest is in children rather than adults. Although they may have had sexual contact with adults, this contact is more coincidental than intentional since peer relationships are not psychologically an integral part of their sexuality.

*2.* ***Regressed offenders*:** these are men who matured in their sexuality but demonstrated a return to an earlier level of psychosexual development. Their psychosexual history would show primary interest in peer age or adult individuals rather than younger ones. Interest in the latter seems to reflect almost a reversal to a more childlike sexuality.

**The nature of paedophile offences**

Like most crime issues, the picture of paedophile offending varies according to one’s source of information. The context in which data are collected is also important. Studies of victims of child sexual abuse illustrate this. In a Los Angeles study, Wyatt (1985) found non-contact incidents such as flashing, improper comments and the like formed 40% of the abusive experiences. Intercourse/attempted intercourse made up about a quarter of the incidents. A study of the perpetrators of child sexual years also reveals something of the varied nature of such offending (Craissati and McClurg, 1997).

Whatever the overall pattern, individual offenders may have very distinctive patterns of offending. For example, Robert Black, a lorry driver who killed girls and left their bodies in locations in various parts of the United Kingdom, had a pattern of penetrating the child’s vagina with his finger and then killing her (Wyre and Tate, 1995): in other words, extreme violence but less extreme sexual acts.

**Theories of paedophilia**

**1. The preconditions model**

The preconditions model was the first attempt at a comprehensive theory of sexual offending against children and among its achievements was its help in clarifying the goals of treating such offenders. In particular, according to Ward and Hudson (2001), the model encouraged the following: concentration on deviant sexual arousal, working with problems of intimacy, showing offenders how to effectively identify and manage situations in which they are at high risk of offending, and the incorporation of socio-cultural factors such as the possible role of pornography.

**2. The psychotherapeutic/cognitive model**

The main emphasis of this model is on the cognitive and behavioral steps involved in offending behavior. Broadly speaking, the model suggests that there are four steps in the process:

 Cognitive distortions or distorted thinking of the sort effectively captured by the Abel Rape Index Scale (Abel *et al.*, 1977). Such distorted beliefs include ‘Having sex with a child is a good way for an adult to teach a child about sex’, and include other beliefs about the sexual nature of children, how their behavior signals sexual interest and so forth.

• **Grooming** – these are the methods by which offenders contact children and gain their trust and confidence. Violence or threats of violence may be part of this, but probably more typical are bribes of sweets, money, trips out and the like.

• **Planning through fantasy**: this is the idea that the offender plans in fantasy the likely scenarios of events in, for example, finally trying to seduce the child. What will they do, say, if a child says they are going home?

**3. The Sexualisation model**

Howitt (1995a) regards paedophilic orientation as developing out of the characteristics of early sexual experiences. In particular, he suggests that experience of sexual abuse in childhood is the start of a process that ends in paedophile activity. Not all abuse is equally likely to lead to sex offending of this sort but penetrative sex, abuse by females and similar uncharacteristic abusive acts are more likely to have this effect.

Haapasalo, Puupponen and Crittenden (1999) describe the concept of isomorphic behavior. They point out ‘Physically abused children tend to commit physically violent crimes whereas sexually abused children are prone, in adulthood, to sexual violence, including pedophilia, child molestation, and rape’ (p. 98).

One reason for the isomorphism of sexual offending may be that it involves repetition of strategies for achieving basic feelings of safety and security. It could equally be simply a further instance of the importance of childhood experiences in determining adult behavior.

**The pathways model**

* Ward and Siegert (2002) integrated the best features of several important multifactorial theories of child sexual abuse into a single, comprehensive model.
* This they call the pathways model. The term multi-factorial means that for a particular form of behavior, there are many determinants of that behavior that the theoretical model needs to take into account.
* These determinants should be considered individually or in combination in order to understand sex offending against children.
* Virtually all of the theories of paedophilia discussed in this chapter accept that child sexual abuse is multi-determined in this way. They differ in important ways.
* Finkelhor’s approach tends to imply that offenders are diverted from the path of a normal sexual interest in adults by a variety of factors which push the offender towards children or remove inhibitions against sex with children.
* A distinction is made by Ward and Siegert between ***distal***and ***proximal***factors in relation to the offending behavior:
* ***Distal factors*:** these are causal factors which lie in the predispositions of the offender. They may have a number of origins. They may be in the genetic makeup of the offender or in his childhood development and beyond. They are long-term psychological mechanisms which may lead to offending when the environmental situation encourages offending.
* ***Proximal factors*:** these are the factors in the environment that change the distal factors into actual offending. They, in other words, trigger the predispositions into action. Possible proximal factors could include negative mood states or stress.

The four pathways are then as follows:

* ***Intimacy and social skill deficits*:** as a consequence of abuse and/or neglect in childhood, the way in which a child understands relationships and ‘the emotional availability’ of important others are adversely affected. They may have difficulties in emotional disclosure to others.
* ***Sexual scripts*:** ‘A sexual script spells out when sex is to take place, with whom, what to do, and how to interpret the cues or signals associated with different phases in a sexual encounter. It is argued that sexual experience before the child is capable of cognitively and emotionally handling them lead to distortions in the script in comparison with those developed by others. The distorted script might involve inappropriate sexual partners (e.g. age discrepancy), inappropriate behaviors (deviant practices) or inappropriate contexts (e.g. sex devoid of interpersonal feelings).
* ***Emotional dysregulation*:** we need to regulate our own behavior in order to function effectively. This self-regulation allows an individual to achieve their goals. For example, we might be afraid of flying but wish to travel abroad for holidays. To achieve that goal we will have to adopt behaviors that allow us to succeed in that goal. That is, we have to control our anxieties about flying. Part of self-regulation is the regulation of emotions.
* ***Emotional dysregulation*:** The offender may exhibit emotional dysregulation when, for example, avoiding guilt and other emotional feelings while offending against children or when they fail for whatever reason to use coping skills to deal with stress leaving them at greater risk of offending against children.
* ***Cognitive distortions*:** these have already been discussed but Ward has suggested that cognitive distortions are generated by a much smaller number of schemata or implicit theories held by the offender. Ward’s view is that many varied expressions of distorted thoughts which are manifested by offenders actually reflect a small number of implicit theories which the offender holds. We all have such theories or schema about the world but the offender’s are maladaptive because they can lead to offending behavior.

---------------------------THE END-------------------------------------