FACT SHEET: CHILD EYEWITNESSES

Children as witnesses

Do you think a child can be a good witness? Would you believe a 5 year old testifying on a witness stand? Up until the late 1970s, the general answer to these questions was a clear ‘no’. It was assumed that young children were not able to accurately remember and report about past events and could definitely not testify in court cases about these events. This changed around the 1980s and 90s when it became more and more common for children to testify in criminal proceedings. Research showed that memory accuracy in children was not as bad at as previously thought, and even children as young as 2.5 years were able to sustain long-lasting memories for big life events.

However, even though children are capable of accurately reporting about past events in forensic settings, this is not necessarily what will happen in practice. Inaccuracy in reporting can have a variety of causes. Both social and cognitive factors influence reporting accuracy as well as which interviewing techniques, used to obtain a memory report.

Suggestibility and compliance

Suggestibility and compliance are two cognitive factors that have been shown to influence the accuracy of children’s testimony in previous research. When we talk about compliance in interview settings, we are referring to children reporting what they think the interviewer wants them to say. Important is to note that the child knows what actually happened, however reports different facts. This can be because they think that is what is expected of them, or because they want to ‘please’ the interviewer. Closely related to compliance is suggestibility. Suggestibility relates to the degree in which a memory is vulnerable to distortion. Children find it difficult to resist suggestions in questions and often incorporate those suggestions into their memory for an event. The big difference between compliance and suggestibility is that with the former the child still knows what really happened even though it reports something different. With suggestibility, the original memory can be replaced by the suggestion offered by the interviewer.

The importance of age

Compliance and suggestibility are age related. Younger children are more compliant and suggestible than older children. However, this does not mean that young children cannot make reliable eyewitnesses. Even very young children are able to resist suggestions, as longs as the questions asked focus on central details of an event or the event itself is of interest to the child. Both compliance and suggestibility increase when the interview is conducted by an authority figure (e.g., a police officer). Unfortunately in forensic settings, this is often the case. At this point the importance of interviewing techniques comes in.

Interviewing methods

Question type and interviewing techniques have shown to have a substantial impact on
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the accuracy and consistency of children’s testimony. Open-ended questions about events resulted in the same accuracy for children as adults. However, children were more likely to change their responses to closed questions (especially yes/no answers). The tone of the interview has a big impact on the level of compliance to suggestions from an interviewer as well. Children interviewed in an incriminating tone or receiving negative feedback from an interviewer are more likely to change their initial response to one they think the interviewer wants to hear.

Appropriate interview protocols

Considering these findings, different investigative interview protocols have been developed. These try to increase accuracy of children’s testimonies, to such an extent that these testimonies can used in court (eg the ‘NICHD protocol’ and ‘Achieving Best Evidence’). The protocols follow similar stages;

The first stage of an interview with a child is building rapport or a ‘training’ stage. The main purpose of this stage is putting the child at ease and make sure they are comfortable with the interviewer. In the second stage, the actual interview begins. The interviewer should focus on open ended questions and avoid closed ended or leading questions as much as possible. If a closed ended questions is necessary, it should be followed up with an open ended prompt (e.g., can you tell me more about that?). The last stage includes providing a summary of the interview and returning to a ‘neutral’ topic, to make sure the child is at ease. It is assumed that following these protocols, the accuracy of the obtained testimonies is increased.

Conclusion

Even young children can be reliable witnesses. When obtaining a testimony from a child it is important to know that children are more compliant and suggestible than adults. However this does not mean that children cannot provide reliable information. Interviewing techniques and questioning style determine the level of accuracy a child can report about past events. In order to try to get as accurate a testimony as possible the interviewer should follow established interviewing protocols.

Quick summary:

- Even young children can be good eyewitnesses
- Compliance is when children tell you what they think you want to hear
- Children are more suggestible, meaning they often incorporate new information into their memories
- Age-appropriate interview methods are very important

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References


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