Practical Psychology for Forensic Investigations and Prosecutions

Edited by

Mark R. Kebbell
*Griffith University, Australia*

and

Graham M. Davies
*University of Leicester, UK*
Practical Psychology for Forensic Investigations and Prosecutions
The Wiley Series in the Psychology of Crime, Policing and Law publishes concise and integrative reviews on 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 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.

For other titles in this series please see www.wiley.com/go/pcpl
Practical Psychology for Forensic Investigations and Prosecutions

Edited by
Mark R. Kebbell
Griffith University, Australia
and
Graham M. Davies
University of Leicester, UK
The Editors would like to dedicate this book to their families.
Contents

About the Editors ix
About the Contributors xi
Series Preface xvii
Preface xix
Acknowledgements xx

Introduction 1
Graham M. Davies and Mark R. Kebbell

1 Interviewing Victims of Crime, Including Children and People with Intellectual Disabilities 7
Becky Milne and Ray Bull

2 Procedural Recommendations to Increase the Reliability of Eyewitness Identifications 25
Jennifer Beaudry, Rod Lindsay and Paul Dupuis

3 Investigating Criminal Cases of Delayed Reports of Sexual Abuse 47
Laurence Alison and Mark R. Kebbell

4 Psychological Characteristics of Offenders 69
Kevin Howells and Jacqueline Stacey

5 Detecting Deception 89
Aldert Vrij

6 Improving the Interviewing of Suspected Offenders 103
Mark R. Kebbell and Emily Hurren
7 Strategies for Preventing False Confessions and Their Consequences 121
   Deborah Davis and Richard Leo

8 Offender Profiling: Limits and Potential 151
   Laurence Alison and Mark R. Kebbell

9 Deciding to Prosecute 165
   Elizabeth Gilchrist

10 Preventing Withdrawal of Complaints and Psychological Support for Victims 183
    Graham M. Davies and Helen Westcott

11 Communicating Risk to the Court 203
    Don Grubin

12 Future Directions for Applying Psychology to Forensic Investigations and Prosecutions 219
    Mark R. Kebbell and Graham M. Davies

Index 225
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 untested 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.

Graham Davies is Professor of Psychology at the University of Leicester. His main research interests lie in the area of eyewitness testimony in children and adults on which he has co-authored over 100 papers in scientific and professional journals and 6 books. He evaluated the live link and videotaped interview innovations for child witnesses for the Home Office and edited the current official guidance on interviewing: Achieving Best Evidence. He acts as an expert witness in cases involving children’s evidence and is a serving magistrate. He is a past Chair of the Society for Applied Research in Memory and Cognition and the current President of the European Association of Law and Psychology.
About the Contributors

**Laurence Alison** is Professor of Forensic Psychology and Director of the Centre for Critical Incident Research at the University of Liverpool. His research interests include investigative decision making, police leadership and law enforcement personnel's use of expert advice. He has published widely on these topics at an international level in a variety of academic and practitioner outlets. He has contributed advice to several major cases in the last 10 years, including rapes, murders, armed robberies and terrorist attacks. He has produced several books on profiling and investigation, most recently as editor of *The Forensic Psychologist’s Casebook: Psychological Profiling and Criminal Investigation*.

**Jennifer Beaudry** is a doctoral candidate at the Department of Psychology, Queen’s University under the supervision of Rod Lindsay. Before pursuing graduate studies at Queen’s University she worked as an emergency services child protection worker for the Sudbury Children’s Aid Society. Her main research interests are eyewitness identification evidence, radical lineup procedures and juror decision making. She has co-authored a chapter, entitled “Belief of Eyewitness Identification Evidence”, for the *Handbook of Eyewitness Psychology: Memory for People*. Her research has been presented at several international conferences, including the American Psychology-Law Society and the Society for Applied Research in Memory and Cognition. She currently holds a Canadian Graduate Scholarship from the Social Sciences and Humanities Research Council.

**Ray Bull** is Professor of Forensic Psychology and Director of Forensic Psychology at the University of Leicester. His main interests focus on investigative interviewing (e.g. of suspects and witnesses) and witness testimony (e.g. of children and voice identification). His major books include *Investigative Interviewing: Psychology and Practice* (with Milne), *Handbook of Psychology in Legal Contexts* (with Carson), *Psychology and Law: Truthfulness, Accuracy and Credibility* (with Memon and Vrij). He has co-authored numerous articles in research
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.

**Don Grubin** is Professor of Forensic Psychiatry at the University of Newcastle and Honoury Consultant Forensic Psychiatrist at 3 NNNs Trust, St Nicholas Hospital. His research interests are risk assessment and treatment of sex offenders, prison health screening and fitness to plead. His current work focuses on the use of polygraphy in the treatment and supervision of sex offenders and in the treatment of personality disordered prisoners and patients. He is also carrying out a study into the use of SSRI medication in the treatment of sex offenders.

**Kevin Howells** is Professor of Forensic Clinical Psychology at the University of Nottingham, Head of the Peaks Academic and Research Unit in Nottinghamshire Healthcare Trust and also a member of the Centre for Applied Psychological Research at the University of South Australia. He has been involved in assessment, treatment and research work with offenders in both the United Kingdom and Australia.

**Emily Hurren** is a PhD candidate within the School of Psychology at Griffith University. Her research interests include child maltreatment, the links between child maltreatment and juvenile offending, sex offending and improving police interviewing of suspected offenders to increase rates of confession. Most recently she has interviewed approximately 60 convicted sex offenders concerning their perceptions of how they were interviewed by the police and how police interviewing of suspects can be improved.

**Richard Leo** is an Associate Professor of Criminology, Law and Society and an Associate Professor of Psychology and Social Behavior at the University of California, Irvine. He is a leading international authority on police interrogation practices, *Miranda* requirements, coercive persuasion, false confessions and wrongful convictions. In the last decade, he has authored numerous publications on these subjects in a variety of leading social science journals and law reviews. He is also co-author (with Thomas) of *The Miranda Debate: Law, Justice, and Policing* and is the recipient of The Ruth Shonle Cavan Award from the American Society of Criminology, the Saleem Shah Career Achievement Award from the American Psychological Association and a Soros Senior Justice Fellowship from the Open Society Institute. He has lectured widely to police, judges, criminal defence attorneys, prosecutors and other professionals. He is currently completing a book on police interrogation and American justice for Harvard University Press.