

Psychology and Law, IAAP Division 10, Newsletter - March 2015

1. Welcome to the members

Dear Division 10 Members,

Welcome to Division 10, Psychology and Law, of the IAAP. We hope that you have a fruitful journey with us, and that this division will be of benefit to you. This is the first newsletter for this division. We are aiming to produce between three and four newsletters this year, with this one being the first.

Please do not hesitate to contact us if you have any questions or suggestions. We look forward to a successful, stimulating relationship with you.

2. Welcome to the new committee

The new committee for Division 10 was elected at the IAAP conference in Paris in July 2014. The new committee comprises:

Professor Colin Tredoux (President),

Associate Professor Fanny Verkampt (Vice-President and Officer),

Associate Professor Rebekah Doley,

Professor Alfred Allan (Past President), and

Alicia Nortje (Communications Secretary).

Our contact details can be found towards the end of the newsletter. The website address for this division is <http://www.iaapsy.org/divisions/division10> - however, the website is still under construction.

3. Intention of the newsletter : Psychology and law around the world

Our theme for this newsletter is to highlight specific aspects of psychology and law around the world. A brief section about psychology and law in a specific country will be written for each newsletter. For this newsletter, we have focused on investigative interviewing in France.

We welcome contributions from members, so if you would like to contribute to this initiative then please contact us.

Psychology and Law in France:

A special focus on current research in investigative interviewing and eyewitness testimony

Fanny Verkampt

Over a century has passed since Alfred Binet and Victor Henri, two French academics, highlighted how highly specific questioning impacts the accuracy and reliability of witnesses' testimony. Their research, conducted between 1893 and 1895, dealt with topics such as memory (Binet & Henri, 1893, 1894a) and suggestibility (Binet & Henri, 1894b). Their work on children's suggestibility, which was published a few years later in Binet's famous book "La Suggestibilité" (1901), might be considered as some of the first experimental research conducted in the field of Psychology and Law. A unique science concerning eyewitness testimony was born from their research and emerged in France around 1900 (see Cunningham, 1988). Edouard Claparède, who was first president of the International Association of Applied Psychology (1920-1941), outlined the contours of this new science, and emphasized that eyewitnesses' testimony should not be studied only theoretically but also, and mainly, in an experimental way (1905, p. 289). The current synthesis of French research and practice in Psychology and Law is therefore focused on studies conducted in diverse areas of experimental psychology (i.e., cognitive, social, and developmental psychology).

Current research and practical implications in the field

One of the most studied research topics in Psychology and Law in France concerns understanding the factors that influence eyewitness memory, and *specifically*, the *quality* of eyewitness' testimony and identification. Therefore a number of laboratories house research teams working on estimator variables (e.g., characteristics of a witness, of the criminal event) and on system variables (e.g., investigative interview methods, instructions and structure of a lineup).

The major criticism often levelled against experimental research is the potential lack of external validity. Studying what impact a highly emotional-laden event has on the quality of testimonies should ensure a better understanding of the difficulties experienced by witnesses when describing what happened to them, but such research is difficult to do in the laboratory. However, two French research teams have investigated how emotion influences two major aspects of witnesses' testimonies, that is: (1) the quantity-accuracy balance of recall, and (2) false memories. The first team comprised M. Ginet (University of Clermont-Ferrand) and F. Verkampt (University of Toulouse), and tested the impact of emotion

experienced during a target event (high level of arousal vs. low level of arousal) on the quality of young adults' recall of the event. They showed that simulated witnesses, who felt a higher level of emotion during encoding, committed more errors when describing peripheral details of the scene one week later than those exposed to a lower level of emotion (Ginet & Verkampt, 2007). In parallel, the second team, led by Y. Corson and N. Verrier (University of Nantes), highlighted the detrimental effect that increased arousal has on the probability of developing false memories (Corson & Verrier, 2007; Gilet & Colombel, 2013). They also demonstrated that this influence is more pronounced with individuals whose attention during the encoding phase was focused on the similarities among details of an event, which were encoded in relation to associated concepts in memory (Corson, Verrier, & Bucic, 2009). Therefore, an encoding strategy, which promotes the processing of the distinctiveness of even details, seems to decrease the risk of developing false memories. One could thus expect that memory retrieval strategies that help witnesses access the specific characteristics of the memory of the event will decrease the probability of reporting false details during an investigative interview. At least three research teams (from the University of Clermont-Ferrand, of Lille III, and from the University of Toulouse) are working on such an investigative interview method that improves memory recollection. This technique - the Cognitive Interview (CI) - is composed of retrieval strategies, such as mental context reinstatement (i.e., mental reconstruction of the external and internal context that existed during the encoding of the event), that are proposed to the witness right before their free description of the event (for a complete description, see Fisher & Geiselman, 1992; see also Fisher, Ross, & Cahill, 2010). It has been shown that mock witnesses reported more correct details with a CI than with a structured interview, which is similar to the interview protocol used in the field by many investigators, *regardless* of the level of emotion felt at the time of the event (Ginet & Verkampt, 2007). The influence of the CI on false memory and on suggestibility especially has also been tested, notably with children and adolescents, as described above.

In France, issues related to children's testimonies resurfaced with the Outreau Case ten years ago - recognized as one of the most important miscarriages of justice in France. Fourteen children, some as young as four years old, accused eighteen adults of sexual abuse. By the end of two trials, which were conducted mainly on the basis of the children's statements, four people were found guilty. The remaining suspects were finally declared innocent after several months of preventive imprisonment. French law professionals and politicians have since studied the Outreau case in order to better understand the malfunctions

of the judicial process. Two official reports have underlined the issues related to the quality of investigative interviews with children and their impact on the reliability of their testimonies (e.g., use of specific and misleading questions). This led to some major modifications of the French judicial process (e.g., law n° 2007-291 of the 5th March 2007; for a detailed description, see Cremière, 2013) and practices in the field about the way child eyewitnesses should be interviewed (e.g., Berthet & Monnot, 2007; Lebrevelec, 2011). The different protocols that have been developed to improve the quality of child interviews are thus structured around four main phases: (i) the establishment of good rapport with the child via, for example, an adapted presentation of the ground rules of the interview; (ii) the free recall of the facts with open-ended and child-centered invitations to describe what happened; (iii) the use of open-ended and specific questions to deal with the child account in depth; and finally (iv) the closure of the interview. Despite a clear desire to improve practices in the field (e.g., establishment of mandatory training for child investigative interviews), recent assessments showed that French investigators *still* seldom follow the recommended main principles of interviewing. As observed elsewhere (see Powell, Fisher, & Wright, 2005), the principal difficulties are the low use of the free recall phase and of open invitations, and the excessive use of leading and suggestive questions to gather more detailed information. Another observation, which is particularly problematic, is the higher presence of leading and suggestive questions within interviews done with adolescent witnesses (Verkamt, Dodier, Brunel, Ginet, & Milne, 2013). A national survey completed by about 300 trained investigators led us to think that this poor practice might be explained by a stereotype towards adolescents, who are perceived as more inclined to lying than younger children, including children younger than six years (Dodier, Verkamt, Ginet, & Milne, 2014). Suggestive questioning could thus be interpreted as a kind of confirmatory questioning used to detect any potential lie. However, there is an important risk associated with the use of suggestive questions with adolescents: the subsequent development of false memories. As previously demonstrated with the research on the Fuzzy Trace Theory (e.g., Brainerd, 2013), M. Payoux and N. Verrier (from the University of Nantes) showed that adolescents (14 years-old) were more vulnerable to false memories than children aged of six and ten years-old *after* been exposed to suggestions that preserve the gist of experience (Payoux & Verrier, 2014). When looking at research with young children, there is a positive influence of an adapted version of the Cognitive Interview on their suggestibility. Indeed, it has been found that the modified CI protocol increased the resistance of 4-5 and 8-9 year-old children to misinformation suggested during the questioning phase of an interview (Verkamt & Ginet,

2010). This research therefore replicated the so-called "Geiselman Effect" (i.e., reduction of negative effects of leading questions when witnesses are previously interviewed with a CI) and was the first to demonstrate this effect with children younger than seven. All these findings detailed above are taken into consideration by professionals working on training programs and with whom French researchers collaborate.

Ongoing collaboration with professionals and future perspectives

Present collaborations between academics and professionals cover (1) elaboration of tools that fit the needs and requirements of the national police, (2) assessment of actual interview practices and training programs, and (3) improvement of training sessions about child investigative interviewing.

Researchers specialized in the Cognitive Interview are working closely with national (military) police training centers in order to implement this technique in the field. C. Colomb and her colleagues compared the effectiveness of a CI modified by the addition of a new instruction (i.e., the *Guide Peripheral Focus, GPF*; see Colomb & Ginet, 2012) with a structured interview on the resolution of real criminal cases. After elaborating the GPF in collaboration with the military police officers, this research team trained about 30 investigators and showed (i) an increase in the report of forensically relevant information with a CI including the GPF and (ii) a good acceptability of the protocol by the professionals (Colomb, Ginet, Wright, Demarchi, & Sadler, 2013). In the same way, M. Brunel (University of Lille III) tried to answer a specific question indirectly related to the repetition of interviews for a same witness: preserving the first information given by a witness while simultaneously improving the recall of new information during a second description of the facts. With J. Py and C. Launay (University of Toulouse), she therefore elaborated a new retrieval strategy, the *Open Depth* instruction, aimed at improving the recollection of new details in a subsequent recall attempt. Their research showed a positive impact of this CI instruction on the report of completely new information without affecting the accuracy of the overall statement (Brunel, Py, & Launay, 2012). This issue of interview repetition has also been investigated through a field implementation of an online complaint process, which allows witnesses to make a first statement online *before* being interviewed in a face to face interview a few days later. The challenge for both professionals and researchers was twofold. First, it was to propose an online protocol that would help witnesses to give a detailed and accurate first account. Secondly, this procedure should prevent the negative influence of a delayed face to face interview on the richness and the accuracy of witness's memory. Two researchers from the University of Toulouse set up an online version of a Cognitive Interview (Bouvet & Py,

2014). The first assessments of such a process are encouraging and additional research is underway to better understand its benefits but also to outline the limits of its use. There is similar research involving an international collaboration between researchers from United Kingdom and France on the joint use of a Self-Administered Interview (SAI©; Gabbert, Hope, & Fisher, 2009; Hope, Gabbert, & Fisher, 2011) and a Cognitive Interview with the same witness invited to explain what occurred twice. The SAI, which draws heavily on the principles of the CI, is presented in the form of a booklet that the witnesses complete on their own. The SAI can thus be administered directly at the scene of a crime or soon after, in order to gather an initial detailed statement from witnesses as soon as possible. A recent study confirmed the positive effect of the joint use of a French version of the SAI, used soon after being exposed to the event, and of a CI used in a later face to face interview on the recall of correct information and on the accuracy of simulated witnesses' account (Verkampt, Colomb, Gabbert, Hope, & Ginet, 2014).

As previously explained, the quality of French investigative interviews conducted with juveniles has been evaluated and these findings underlined some persistent difficulties in investigators' interviewing behaviors. Discussions between trainers and researchers are therefore underway to propose training programs with adapted structure and content aiming to improve the quality of the interviews. For example, to date, some training programs span several days and are separated by a break, whereas others consist of a single intensive session spanning over several days. Previous assessments of trainings provided abroad concluded that the first type of training (separate sessions) were superior. Consequently, the introduction of post-training sessions is considered in order to help trained investigators to improve the acquisition and the recollection of interviewing skills required to perform a child interview. Practical questions about the effectiveness of such training, its form (in-training centre vs. "in-house" via internet), and its concrete implementation are thus ongoing. Moreover, the possibility to strengthen the opportunities of practice through more role-playing sessions with immediate and individual feedbacks is discussed. In the meantime, the expertise of researchers, like J. Py (University of Toulouse) and A. Somat (University of Rennes), has been requested to evaluate the training program currently proposed to French investigators working in specialized police units.

In conclusion, more and more French academics work in conjunction with professionals who collect testimonies and work towards improving practices and training programs related to investigative interviewing. There is much research that aims to improve interviewing tools that work within the specific constraints observed in the field and the main

difficulties experienced by the witnesses during the interview. The procedure for interviewing adults and children has progressed significantly, while little research has focused on adolescents despite 11-to-18 year olds comprising 57% of the juveniles who provided testimony to the police in 2012 (Dodier, Verkampt, Ginet, & Milne, 2014). Therefore, a research project is underway to test the efficacy of existing tools, which were initially developed for adults and children, when used for interviewing adolescents and to adapt them if necessary (e.g., Dodier & Verkampt, 2013). Finally, future research should explore the factors within training that might improve the acquisition and the later mobilization of skills in interviewing.

4. Division 10 section from IAAP Bulletin

The IAAP Bulletin was circulated in January 2015. We have included the contribution from Division 10, in case you have not received the bulletin yet.

IAAP Bulletin – January 2015

1. Scientific and Practical Topics addressed within the Division 10

The division was recently asked to reflect on the activities of its members for a submission that the IAAP is making to the United Nations. This reflection is reproduced below. It is not an exhaustive account of the activities of the division, of course, but does highlight some themes that division members work on.

Eyewitness testimony and interviewing of witnesses

Research on eyewitness testimony has a long history, and a strong connection with Applied Psychology specifically. This research has followed two equally important streams: (a) It investigates a wide range of factors, both internal and external to the criminal justice system, that affect the reliability and accuracy of eyewitness identification, and (b) Evaluates a host of practical improvements – many of which have demonstrable added value – to the police and criminal justice process.

In South Africa, Colin Tredoux, the present IAAP Division 10 President, has worked with the South African Police Service, along with his co-PI, Annelies Vredeveldt, and others, to assess a special micro-interview technique, the Eye-Closure Interview, with real eyewitnesses. He has also developed a software program that allows the holistic

reconstruction of faces from memory, rather than a feature-wise approach (Tredoux, Nunez, Oxtoby, & Prag, 2007).

In Europe, both Division 10 members and recent IAAP conference attendees take an interest in juvenile investigative interviews. They especially work on the development, the implementation, and on the training of interviewers with innovative interview methods adapted to young witnesses and/or victims of criminal events. Indeed, the children are often the only witnesses, and thus, the sole available source of information. The major risk is therefore that the investigators fail to establish what actually occurred to them. This analysis has led some of the members to adapt investigative interview techniques to the special needs and abilities (cognitive, social, and emotional development) of child witnesses. This is notably the case for Ray Bull and Rebecca Milne, in the United Kingdom. They have worked closely with the UK police for over two decades on the Cognitive Interview and other allied techniques (see, for example, Wescott, Davies, & Bull, 2002). In France, Fanny Verkampt, the present IAAP Division 10 President-Elect works closely with Rebecca and French researchers, Magali Ginet and Olivier Dodier, to the adaptation of the Cognitive Interview to French investigative interview proceeding and to its implementation during French child interviews (e.g., Dodier, Verkampt, Ginet, & Milne, 2014; for an example of works conducted with French adult witnesses, see Brunel, Py, & Launay, 2013; Colomb & Ginet, 2012).

Finally, members of the Division 10 have recently worked on the Self-Administered Interview (Verkampt, Colomb, Gabbert, Hope, & Ginet, 2014) – a protocol, specially elaborated by F. Gabbert, L. Hope and R. Fisher (2009), to prevent the deleterious effects of the passage of time on memory quality in cases involving multiple victims/witnesses.

Some other themes studied by IAAP Psychology and Law members and conference delegates are as follows.

Deception

The detection of deception is another theme with a long history in Psychology and Law. IAAP members and recent conference attendees, like Joanna Ulatowska from Poland, have investigated new methods of detecting deception with cognitive load manipulations.

Intimate interpersonal violence

Internationally, intimate interpersonal violence has a major health and mental health impact on primary and secondary victims and places a huge financial burden on countries. Psychologists aim to establish the causes of intimate interpersonal violence and to develop interventions that will prevent it from occurring.

Women's economic empowerment in Asia

Asian countries with rapidly developing economies increasingly use young female workers. These women, however, are often exploited, and suffer negative mental health (and even physical health) outcomes related to the prejudice that they experience.

Psychologists aim to better understand public attitudes towards women in the workforce in Asia. In doing so, psychologists try to find ways to improve these attitudes, so that exploitation of these women is reduced and their psychosocial health and wellbeing is promoted.

Quality of instruments used to determine the risk of offending of sexual offenders

Many countries have so-called preventative legislation that allows governments to detain offenders upon completion of their judicial sentences, as a measure of preventing them from reoffending, even though they have *objectively* done nothing harmful that justifies criminal prosecution or detention. Mental health practitioners use risk assessment tools to determine the probability of recidivism. However, most of these tools were developed in North America and Europe, and if used in *other* areas of the world to predict the risk of recidivism, especially among indigenous offenders, then the results may be inaccurate and could lead to erroneous imprisonment. Psychologists aim to determine the accuracy of risk assessment tools when used with people beyond North America and Europe to prevent injustices from occurring.

2. The New Executive Committee

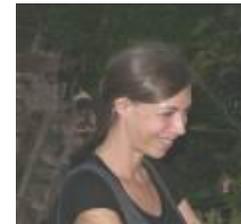
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3. International Congress of Applied Psychology, Paris, France, 8-13 July 2014

In July 2014, IAAP Division 10 members actively participated in the International Congress of Psychology (ICAP) that took place in Paris. Researchers and PhD students from all over the world attended the presentations of innovative and high quality research conducted in the field of Psychology and Law.

We were delighted to have Martine Powell (Deakin University, Melbourne, Australia), deliver a keynote lecture entitled "Recommendations for improving the competency of investigative interviewers of children". Martine described an amazing set of research studies aimed at improving professional training and practices in the area of child witness testimony and investigative interviewing about sexual abuses. Colin Tredoux, from the University of Cape Town (South Africa) and President of the Division 10, delivered a notable keynote lecture about synthetic faces for eyewitness and face recognition. He reviewed past and present research and practice on effective methods of face composite construction for eyewitnesses, especially an eigenface technology called ID, developed in his lab in Cape Town, South Africa. We also had the pleasure of listening to Alfred Allan, from Edith Cowan University (Joondalup, Australia) and past President of the Division 10, about the important and sensitive relationship between Psychology, Law, and Ethics during a keynote lecture entitled "Ethical challenges in psychology and law". His recommendations will, if it is not already the case, guide the practices of both academics and practitioners to best serve individuals and society in the psycho-legal field. Jennifer Robbennolt, Professor of Law and Psychology at the Illinois College of Law, USA, delivered the final keynote lecture for the division, entitled "Psychology, behavioral ethics and lawyers", complementing the address by Alfred Allan. The paper that he presented at the conference has been published and can be found here: <http://www.tandfonline.com/eprint/8cpRIr6KqBV26gxpwVCV/full>. For more information, see the recent article published by Alfred, with Tom Grisso (DOI:10.1080/10508422.2014.880346).

Moreover, the Division 10 co-sponsored nine invited symposia respectively entitled "Psychological court report writing for criminal matters: An international perspective" (coordinated by Andrew Day, Australia), "Risk, need and responsivity and offenders with autism spectrum disorder" (coordinated by Guy Hall, Australia), "Self determination theory and offender motivation: Theory knitting" (coordinated by Ida Dickie, USA), "Forensic expert evidence: Perspectives of judges, jurors, lawyers and experts" (coordinated by Jane Delahunty, Australia), "Eyewitness Testimony – Part 1" (coordinated by Fanny Verkampt,

France), "Eyewitness Testimony – Part 2" (coordinated by Makiko Naka, Japan), "Psychology, law and ethics" (coordinated by Alfred Allan, Australia), "What makes a good political leader? Lessons from psychology and political science" (coordinated by Jo Silvester, UK), and "Cross-cultural neuropsychological assessments and their forensic implications" (coordinated by Sharon Truter, South Africa).

Several other symposia, thematic sessions, individual oral and poster presentations on psychology and law were presented at ICAP. Among the topics addressed were:

- Domestic violence
- Forensic evaluations of psychological injuries
- Improving well-being of victims
- Influence of media on crime perception and judgment
- Legal interaction
- Legal procedure
- Penalty and incarceration
- Suggestibility and false memories and their implications for eyewitness testimony
- Testimony
- Virtual reality and its applications in forensic psychiatry

The executive committee would like to thank all the speakers and the audience for their participation in this congress, leading to fruitful and interesting discussions within and beyond the sessions. The congress provided an opportunity for several researchers to develop international scientific collaborations, and the new leadership of the Division 10 will pursue this positive dynamic. Indeed, a significant part of our efforts will be concentrated on the development of a number of new activities, aimed at improving the communication and the collaboration between the Division's members, as described below.

4. Proposals for Division activities, 2014 - 2015

Three new members joined the executive committee of Division 10 at the most recent Business Meeting at ICAP, in July 2014, and the committee used this opportunity to consider some activities for the year 2014 to 2015. These are listed in point form below. We welcome any comments or suggestions from members.

4.1. Develop the communication of Division 10 activities through the division website and the IAAP bulletin

- Provide content biannually through the general IAAP newsletter
- Provide a specific Division 10 themed newsletter, to be sent to members three or four times a year

4.2. Promote collaboration between division members

- Collect information about Division 10 members through an online survey, containing questions about research interests, affiliations, mail address, vita, availability for international collaboration etc.
- Build a searchable database of Division 10 members, to be accessible from the Division 10 website (using the information collected from the online survey, as detailed above),
- After the successful events at the recent ICAP in Paris, we thought it might be a good idea to consider planning a small group Psychology and Law conference, to occur approximately halfway between the 2014 and 2018 ICAP conferences.

5. Comments, questions, or suggestions?

If members have any questions, comments or suggestions about any of the information presented in this article, or would like further information about the division and its activities, then we would like to encourage them to contact our communications secretary, Alicia Nortje, at the following e-mail address: alicia.nortje@gmail.com.

5. Contact details

The website address for Division 10 is <http://www.iaapsy.org/divisions/division10>. However, it is currently under construction. We will notify members once the website is complete.

In the meantime, if members have any suggestions, comments or questions, then we ask that they contact the communications secretary, Alicia Nortje. Her e-mail address is: Alicia.nortje@gmail.com.