

Perceived Credibility of Child Witness Statements

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Introduction

Due to changes in legislation, children’s testimony can be presented differently from most adults’ testimony (Antrobus et al., 2016). In order to combat bias when making life-altering verdicts, research must be done to identify and improve perceptions of child credibility. The current research study attempts to answer the research question: what are the factors that influence the perceived credibility of witness statements given by children? The categories that will be further analyzed include child witness factors, perceiver factors, and the delivery method. The pragmatic worldview was held by the researcher during this study. This view is important to note, as it allowed freedom in choosing methods, techniques, and other aspects to benefit the study. The view is also noteworthy, as it draws from both qualitative and quantitative data (Creswell, 2014), which the researcher sought to answer the current research question.

Background

In court, judges, jurors, and lawyers often base their decision of guilt on the testimony of two parties: victim and defendant. Due to the adversarial essence of trial, understanding how the witness is perceived is of utmost importance (Voogt & Klettke, 2017). The matter of perception is especially true if the testifying witness is a child. Their language and memory abilities have not fully developed (Burrows & Powell, 2014), which can potentially lead to inconsistencies in ratings of credibility. For the purpose of this study, the term child has been operationally defined as anyone under the age of sixteen. Perceiver includes any persons making decisions about the child’s credibility, including judges, jurors, and lawyers.

Methods

This research was conducted using secondary data due to time constraints on the project. The Justice Institute of British Columbia’s Library provided access to a multitude of databases. The inquiry began with a search of the words “witness statement” and “child”. The scope was limited to scholarly, peer-reviewed journals published between 2005 and 2021, and the full text had to be freely available online. There were no geographical limitations imposed. Additional keywords searched included: “child witness” and “testimony” in conjunction with “influence”, “juror”, “perception”, and “credibility”. Inclusion criteria specified that an article must acknowledge the age of the witnesses and examine at least one factor that influences the perceived credibility of child witnesses. Exclusion criteria eliminated articles that focused solely on adult witnesses, if the age of the children was not specified, or if there were no influencing factors identified. The articles were subject to a title analysis, an abstract review, and a full review. This process identified eight articles that were deemed relevant in answering the research question and were further analyzed.

Results

A number of authors focused their research on factors specific to the child witness. Burrows and Powell (2014) focused on demeanor and noted that behavior such as “opposition, irritation...and restlessness” discredited the child (p. 201). A similar study found a child that was more emotional was also rated as more credible, especially if the child was older (Cooper et al., 2014). A third author considered the child factors in tandem with perceiver factors. Voogt and Klettke (2017) claimed perceivers have a gendered response, as females rate child witnesses as more credible than males. However, this gendered response was moderated by the relationship between the witness and the accused. If the relationship was not biological, the credibility rating by males increased and females decreased, leveling the two genders (Voogt & Klettke, 2017). Antrobus and Newcombe (2016) added to the discussion of perceiver factors, concluding that juror’s beliefs about children’s memory can impact their credibility rating. These researchers also considered the method of delivery, and stated if a child did not testify live in court, they were assumed to be less credible (Antrobus & Newcombe, 2016). Burrows and Powell (2014) added to this theory that open-ended questions were preferred, and a free-recall narrative is rated higher in credibility. These researchers also noted that the interview process itself, if lengthy, leads to witness and jury fatigue, further impairing their assessment of credibility (Burrows & Powell, 2014).

Discussion

After analysis of the literature surrounding child witnesses, themes emerged identifying three common factors that influenced the perceived credibility of child witnesses. These included the factors of the child witness, the perceiver factors, and the delivery method. Factors relating to the child included age, demeanor, level of emotion, and relationship to the accused. Perceiver factors that affected the credibility rating included prior beliefs about children’s memory function, prior negative opinions about the ability of children to testify, the quality rating assigned to the interview of the child, and gender. Finally, the method of delivery affected the perceived credibility of the child. This included if the child testified live, if they were able to perform a free-recall narrative of the event, and noted the possibility of witness and jury fatigue altering perceptions.

Conclusion

A review of the literature surrounding the credibility of child witnesses aided in answering the research question. After thorough analysis, the researcher has established that there are factors that can influence the perceived credibility of child witnesses. The factors fall into three major categories: child factors, perceiver factors, and delivery method. Each study focused on varying combinations of the three themes, and as a result, the degree to which each factor affected the child’s perceived credibility deviated slightly. The researcher acknowledged that there were gaps in the literature that was selected. Time constraints of this research project narrowed the scope, and in doing so, the researcher only considered studies that identified influencing factors. It is important to note the argument of factors not influencing the perceived credibility of child witnesses were eliminated for the purpose of answering the current research question, and the opposing argument must be considered for a full perspective of the issue. It is also critical to note the majority of literature surrounding this topic is grounded in sensitive cases, and often time’s mock jurors are used for ethical reasons. There may be notable differences if the mock jury is not evaluating the credibility of a legitimate child witness, as well as not being responsible for any punitive measures following their decision and credibility rating.

References

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“Hearing Children’s Voices” by Richard Warshak
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