

## THE ROLE OF SUGGESTIBILITY IN FORENSIC PSYCHOLOGICAL EXAMINATIONS: CASE REPORT

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### Summary

Suggestibility is the degree to which someone responds to and is influenced by suggestions made by someone or something. Scientific studies have shown that suggestibility most often correlates with memory processing, false memory and false confession phenomena and is crucial to child testimony and forensic psychological examination.

Traditionally, there are two general suggestibility research approaches: the experimental psychology and the individual difference approach. Experimentally designed studies reflect the effects of misinformation – conditions under which suggestions affect recall of events. The individual difference approach seeks to identify people as being more or less suggestible, relating different degrees of suggestibility with several cognitive and personality variables. Both approaches suggest that certain social, cognitive and psychological factors affect the accuracy of a person's report (testimony).

The current article will focus primary on the accuracy of children reports in the context of forensic psychological examination. The inaccuracy can be due to unconscious assimilation of false suggestions and pressure made by those (usually adults) who have access to the child (suggestibility) or to conscious lies on the part of the child. Some data extractions from research in relation to factors affecting the accuracy of children's reports during forensic psychological examinations and overall children's testimonies will be provided. In this context, a case study from forensic psychological examination will be discussed.

### Introduction

Suggestibility is present in our everyday life. How often do you become a victim to a suggestive selling technique? Have you purchased an item that would provide you with stronger, whiter teeth or have you followed 5 simple steps in hope for significant weight loss? In forensic psychology suggestibility is one of the leading research and practical topics because information gathered in the examination can lead to significant judicial consequences. As much as possible forensic psychological, psychiatric and other examinations must strive for objective data which is impossible to complete without taking into account the importance of suggestibility. There is a convincing body of empirical evidence that – independently of procedure, context, and to be remembered information – both children and adults are vulnerable to false suggestions and/or may incorporate false, previously presented information into their event memory reports. Previous findings conclude that individual differences in suggestibility exist - some individuals' recollection of events is strongly influenced by false information while others stay accurate and disregard interviewers' suggestions [1]. When analyzing scientific literature, two general types of suggestibility can be identified: suggestibility and interrogative suggestibility. Ceci and Bruck [2] define that "suggestibility is the degree to which children's encoding, storage, retrieval and reporting of events can be influenced by a range of internal (individual) and external (situational) factors". On the other hand, interrogative suggestibility is the extent to which, within a closed social interaction, people come to accept messages communicated during formal questioning, as the result of which their subsequent behavioral response is affected [3]. It can be concluded that suggestibility exist in contexts in which children (and adults) have to recall and tell about past events, thus leading to importance of questioning strategies applied in psychological, psychiatric and other forensic examinations.

Traditionally, there are two general suggestibility research approaches: the experimental psychology and individual difference approach. Experimentally designed studies reflect the effects of misinformation – conditions under which suggestions affect recall of events. These variables are well studied in the work of Elizabeth Loftus and colleagues [4]. The typical experiment involves three steps: 1) exposing participants to some stimulus; 2) afterwards presenting them with misleading information about the stimulus (typically in the form of questions); 3) finally, testing their memory for the original event. A number of situational variables in this paradigm have been manipulated, including the order of questioning [5] length of time between testing sessions [6], and type of questions asked [7] which more recently led to concept of interviewer bias [8].

The individual difference approach (developed by researcher Gisli Gudjonsson and colleagues) seeks to identify people as being more or less suggestible, relating the different degrees of suggestibility with cognitive and personality variables. Suggestibility of individual depends on cognitive coping strategies used during interviews. These coping strategies will be influenced by three aspects of the interview: individuals' uncertainty about the correct answer, their trust of the interviewers, and their expectations of success. These variables are situational and can be manipulated by interviewers (e.g. through negative feedback and/or repeated questions), interviewees' responses to these situational variables comprise relatively stable individual differences that can be measured. The model of interrogative suggestibility proposed by Gudjonsson and Clark [3] consists of five interrelated components:

- 1) a closed social interaction between interviewer and interviewee,
- 2) a questioning procedure,
- 3) a suggestive stimulus,
- 4) acceptance of the suggestive stimulus,
- 5) a behavioral response to the suggestion.

This in turn can lead to suggestible or resistant response to interviewing.

In general, Gudjonsson distinguishes between two types of suggestibility:

1. Susceptibility to leading questions («Yield» – the tendency to respond affirmatively to leading questions).
2. Response to negative feedback («Shift» – the tendency to be sensitive to negative feedback that may result in a shift of an earlier answer to please the interviewer).

Both approaches (experimental and individual differences) explain that certain social, cognitive and psychological factors affect the accuracy of a person's report (testimony) which is relevant to forensic examinations. Besides pre-

viously mentioned variables, scientific studies have shown several other suggestibility correlates:

1. Intelligence and memory recall have been found to relate negatively to level of suggestibility.
2. Acquiescence and agreeableness have been associated with suggestibility, with people more cooperative and acquiescent being more vulnerable to suggestion.
3. Social desirability has also been found to relate positively with suggestibility and, conversely, assertiveness has been negatively related to suggestibility.
4. Low self-esteem and insecure attachment styles can be a risk factor for increased levels of suggestibility.
5. Source monitoring and child's age – poor source monitoring and younger age are associated with increased suggestibility (see [9] for a detailed review).

Variables mentioned above shed light on the complexity and importance of child suggestibility, especially, when dealing with child's opinion in custody cases or situations when children are eyewitnesses or victims (in criminal cases). Knowledge of suggestibility, the ability to recognize and minimize its effects is crucial for fair trial. In practice, suggestibility manifestations can be observed in civil cases, when child gives his opinion which is influenced by one of the parents (for example, regarding child's everyday living place or contact with other parent) or in criminal cases when an inexperienced interviewer uses social pressure, leading questions, negative feedback etc. which in most severe cases can lead to false accusation. The impact of suggestibility cannot be overlooked and is illustrated with case report from psychological examination.

**The aim of this study.** Indications – this article is aimed at mental health and legal professionals who have to interview child regarding legal and/or mental health questions. Theoretical framework and case study is given to raise awareness of different internal and external factors that should be taken into account to increase the credibility of testimony or other information that the child provides.

### Case study

Eve, 12 year old girl which was suspected of sexual abuse by her father (possible genital touching, rubbing, oral sex, anal penetration) at the age of eight. It was known from the criminal case, that Eve's both testimonies are similar, but there was a record where Eve during a phone call with her grandmother changed her mind and denied potential abuse. Eve's sexual knowledge is age appropriate, but her mother's testimonies are inconsistent. Fathers' characterization from the employer is mainly positive on the other hand, social service displays mother negatively – she has alcohol problems, tendency to lie, easily irritated. Eve's school's cha-

racterization includes information, that she is "...quiet, nice, has good relations with others, low academic success...". During forensic examination it was concluded that she has a dependent relationship with her mother, has lack of critical attitude towards her, but feelings towards father are ambivalent. During assessment mother has a tendency to control her daughter, to add suggestions to her statements; when asked questions that cannot be answered spontaneously, girl seeks contact with her mother. Psychometric test results revealed that the girl has below average overall intellectual skills with appropriate memory abilities, but low scores on fluid intelligence tasks. Also limited capacity to use mental operations when faced with relatively novel tasks that cannot be performed automatically was identified. Girl has a positive attitude towards oneself, Trauma symptom checklist for children (TSCC) results were average. No signs of emotional disturbance were recorded, but it was assessed that girl had high levels of anxiety and tension if asked about the legal case. Also it was noted, that girl had high susceptibility to leading questions and responded to negative feedback, which was offered by her mother.

This example illuminates variables which should be taken into account when analyzing the level of testimony accuracy. In the case example mentioned above, those include inconsistency in information which victim provided regarding abuse (testimonies, grandmother), the need from mother to control and give negative feedback to which daughter responded. These variables in turn were accompanied by the close emotional bond between mother and daughter and lack of critical appraisal from the victim towards mother. Adding to that, victims' memory processes were intact, but there was an overall decrease in intellectual abilities which was especially notable in fluid tasks. Lastly, psychological distress was only assessed when girl was asked about the potential abuse. In case reported, forensic psychologist had to draw judges and other judicial professionals' attention to factors that negatively affect child's testimony.

### Conclusion

It can be concluded that there are variety of internal and external variables that can increase child's susceptibility to suggestions which in most severe cases can lead to false accusations. The practical importance of suggestibility has been outlined by a case report from forensic psychological examination. Forensic psychologist during child examination has to take into account factors which can influence the accuracy of child's testimony and critically evaluate available evidence, particularly paying attention to way in which child testimony was collected. Afterwards expert has to indicate signs that may lower the credibility of evidence (testimony).

Proper child questioning techniques can be addressed to psychiatric or other forensic examinations where the child is involved as well. Mitigation of suggestibility risks during child's forensic assessment can be achieved by applying forensic interviewing protocol principles. It is crucial to indicate inappropriate behaviour of the child's legal representative, which promotes the child's suggestibility and report it to the legal process facilitator.

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### ĮTAIGUMO VAIDMUO TEISMO PSICHOLOGINIŪSE TYRIMUOSE: ATVEJO PRISTATYMAS

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**Raktažodžiai:** vaiko parodymai, įtaigumas, apklausiančiojo spaudimas, demografiniai veiksniai, kognityviniai veiksniai, psichosocialiniai veiksniai.

Santrauka

Įtaigumas – tai laipsnis, kuriuo kažkas atliepia į kažkieno daromą įtaką. Moksliniai tyrimai parodė, kad įtaigumas dažniausiai

koreliuoja su atminties apdorojimu, klaidingos atminties ir melagingo prisipažinimo reiškiniais ir yra labai svarbus vaiko parodymams bei teismo psichologijos tyrimui.

Tradiciskai yra du pagrindiniai įtaigumo ištyrimo metodai: eksperimentinė psichologija ir individualių skirtumų vertinimas. Eksperimentiniai tyrimai atspindi dezinformacijos efektą – sąlygas, kai įtaigumas veikia įvykių atkūrimą.

Individualių skirtumų metodu siekiama identifikuoti daugiau ar mažiau įtaigius žmones, turinčius skirtingus įtaigumo laipnius su keletu kognityvinių ir asmeninių ypatybių. Abu metodai rodo, kad tam tikri socialiniai, kognityviniai ir psichologiniai veiksniai turi įtakos asmens parodymų tikslumui.

Šis straipnis pirmiausia akcentuoja vaikų parodymų tikslumą teismo psichologijos tyrimo kontekste. Netikslumas gali at-

sirasti dėl kažkieno melagingos nesąmoningo asimiliavimo įtaigos bei spaudimo (dažniausiai suaugusiųjų), kurie turi priėjimą prie vaiko (įtaigumas), arba sąmoningo vaiko melo. Pateikiamos ištraukos iš tyrimų apie faktorius, turinčius įtakos vaikų parodymų tikslumui, atliekant psichologijos tyrimus bei bendrai vaikų duotus parodymus. Šiame kontekste aptariama teismo psichologijos tyrimo atvejo analizė.

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