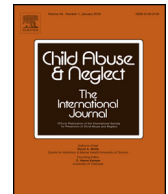




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Child Abuse & Neglect



Children's perceived emotional behavior at disclosure and prosecutors' evaluations

Paola Castelli^{a,b,*}, Gail S. Goodman^b

^a John Cabot University, Rome, Italy

^b University of California, Davis, USA

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ABSTRACT

The present study investigated the perceived emotional behavior of alleged child victims when disclosing sexual abuse in a forensic interview. It also addressed whether the perceived emotional behavior influenced prosecutors' evaluations of children's potential as witnesses and prosecutors' recommendations to press charges. Ninety-eight videotapes of forensic interviews with alleged child sexual abuse victims (4- to 17-year-olds) were coded for behavioral indicators of emotions. Case file information and district attorney evaluations were also coded. Results indicated that children were not generally perceived as being emotional (e.g., sad) during disclosure. However, the perceived intensity of expressed emotions was greater when children disclosed the alleged abuse compared to when they discussed more neutral topics in rapport building. Greater perceived emotional withdrawal by children at disclosure was associated with more negative evaluations of child witnesses by prosecutors. Moreover, children's emotional behaviors, as noted by prosecutors, were among the predictors of prosecutors' recommendations to file charges. Practical implications are discussed.

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Introduction

"Shanley's accuser broke down on the stand while detailing years of alleged abuse" ([The Boston Channel, 2005](#)). "A man... tearfully testified that Shanley would pull him from catechism classes... His voice cracking, a hand over his face, the man also said Shanley would wait for him in the bathroom with the lights off" ([The Washington Post, 2005](#)). (Defense lawyer) "Mondano asked the judge to declare a mistrial, contending the man's emotional outbursts during his testimony would taint jurors and prejudice them against his client" ([Associated Press, 2005](#)).

These statements, taken from press coverage of the trial of Paul Shanley (one of the central figures in the Boston Archdiocese's clergy sex abuse scandal), seem to support two common beliefs people hold regarding abuse victims: abuse disclosure should be accompanied by negative emotion (e.g., sadness) and such emotional behavior can be used to gauge the veracity of an abuse allegation. Indeed, research indicates that child victims of sexual abuse are deemed more credible when displaying distress as opposed to neutral demeanor while testifying ([Goodman et al., 1992](#); [Regan & Baker, 1998](#)). Recent empirical evidence, however, highlights that children's reports of abuse are not typically accompanied by visible emotional behaviors, at least when the disclosure occurs in the context of investigative interviews ([Katz et al., 2012](#); [Sayfan, Mitchell, Goodman, Eisen, & Qin, 2008](#); [Wood, Orsak, Murphy, & Cross, 1996](#)).

* Corresponding author.

Prosecuting decisions are likely influenced by children's performance (e.g., if and how children disclose) in forensic interview contexts, given that these interviews are often seen as previews of children's performance at trial and also given that videotapes of the interviews may be presented at hearings or at trials, in addition to or in place of children's live testimony (Crawford v. Washington, 2004; Lyon & Dente, 2012; McWilliams et al., 2014). Therefore, it is important to explore children's perceived emotional behavior during a forensic interview, and whether children's perceived emotional behavior may affect prosecutors' evaluations and decisions.

Emotional Behavior During Disclosure of Abuse

In a study of the effects of court involvement on alleged child sexual abuse victims, Goodman et al. (1992) reported that 65% of the children who testified in court exhibited some form of distress, such as crying. The few extant studies addressing children's out-of-court disclosure of abuse, however, paint a different picture (Katz et al., 2012; Sayfan et al., 2008; Wood et al., 1996).

Wood et al. (1996), for example, coded the behaviors displayed by children during forensic interviews in suspected child sexual abuse cases. Contrary to common belief, and to the children in Goodman et al.'s (1992) study, the majority of children displayed relaxed, neutral behaviors or relatively flat affect during the interview rather than sadness or shame. Sayfan et al. (2008) also coded maltreated children's expressed emotion in forensic interviews and again found that the children displayed mainly neutral affect when disclosing alleged abuse. Additionally, Sayfan et al. (2008) reported that neither child age nor gender significantly predicted negative affect at disclosure. However, abuse frequency was significantly related to displayed affect, such that the greater the number of previous abuse allegations, the less likely children were to appear upset.

Non-verbal emotion indices (i.e., stress, physical disengagement, positive and negative emotions) were seldom observed by Katz et al. (2012) in their sample of alleged abuse victims. However, when the investigative interview phases were each considered separately, stress indicators appeared to be more prominent in the rapport building and substantive phase of the interview compared to the introductory phase. Similarly, positive emotions were more prominent in the introductory phase compared to the rapport-building phase, and more prominent in the rapport building compared to the substantive phase of the interview. These findings suggest that interview phase is an important factor to consider when addressing children's perceived affect when disclosing abuse.

The evidence thus far suggests that children's demeanor when disclosing abuse in forensic interviews is perceived as relatively neutral, especially when reporting frequent maltreatment (Sayfan et al., 2008). It is worth noting, however, that methodological limitations may have precluded detection of emotional behaviors and their predictors in the reviewed studies. Wood et al. (1996), for example, did not explore whether frequency and severity of disclosed abuse could have potentially influenced emotional display. Although the effect of these variables was addressed by Sayfan et al. (2008), these authors only obtained a general "negative affect" rating; thus, subtle differences in emotional behavior might have gone unnoticed. Katz et al. (2012) used a more sensitive measure of emotion behavior by time coding for specific behavioral signs and facial expression, and comparing them across interview phases, which may increase the probability of detecting emotional behavior. However, because the videotape sound was muted during coding, important cues to distress, as indicated in the children's voices, may have been missed.

It is also of interest to determine whether the type and intensity of children's emotional behaviors when disclosing alleged abuse is noted by prosecutors, who likely look for emotional signs when evaluating potential witnesses (e.g., because prosecutors may try to anticipate jurors' reactions). Further research on alleged victims' emotional behavior during forensic interview is thus needed.

Emotional Behavior, Victim Credibility, and Prosecution

Understanding whether disclosure in forensic interviews is accompanied by emotional behavior is an important issue because research suggests that emotional behaviors are often considered signs of victim credibility (e.g., Cooper, 2012; Kaufmann, Drevland, Wessel, Overskeid, & Magnussen, 2003; Nadler & Rose, 2003; Vrij & Fischer, 1996). Indeed, victim demeanor (e.g., nervousness, embarrassment, crying) while testifying was one of four factors most likely to be mentioned by jurors in child sexual abuse trials as influencing their decision to believe the child victim witness (Myers, Redlich, Goodman, Prizmich, & Imwinkelried, 1999). Similarly, in a mock jury trial for battery against a child (Goodman et al., 2006), the majority of mock jurors rated child witness emotion, facial expression, body language, and nervousness as being important factors in their decision to believe the child, regardless of whether they were presented with the child's live testimony or with the videotape of the child's forensic interview.

Whereas the link between emotion display and credibility has been extensively studied with adult alleged victims (Baldry, 1996; Bollingmo, Wessel, Sandvold, Eilertsen, & Magnussen, 2009; Bothwell & Jalil, 1992; Kaufmann et al., 2003; Winkel & Koppelaar, 1991), only a few experimental studies have addressed the effects of emotional expression on the credibility of child victims. Regan and Baker (1998) reported that mock jurors expected a 6-year-old child to cry and show fear and confusion upon confronting a defendant in court, and they were more likely to convict the defendant when they read about an incest trial in which a young child cried upon first seeing the defendant in the courtroom. More recently, Cooper (2012) addressed the effects of emotional display (as portrayed in a drawing) on child victims' credibility in a mock child sexual abuse trial. Of interest, Cooper found that child victim emotional demeanor (i.e., calm vs. crying) as objectively

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