1 Mock Juror's Perceptions of a Child Witness Passing or Failing a Truth and Lies Discussion

2 or Promising to Tell the Truth

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4 Abstract

5   This study examined the effect of a child passing or failing the UK truth and lies

6 discussion (TLD) compared with the Canadian promise to tell the truth on mock jurors'

7 decisions regarding witness credibility and truthfulness and defendant guilt. 92 participants

8 read a vignette that described a child witnessing his father physically attacking his mother.

9 The vignette was manipulated for witness age (age 4 years and age 8 years) and TLD

10 performance/promise. Supporting the hypotheses, participants rated the witness's credibility

11 and truthfulness significantly higher after a witness passed a TLD and after promising to tell

12 the truth. The age of the child witness did not significantly affect jurors' decision making.

13 The results are discussed in relation to arguments regarding the abolition of the UK's TLD in

14 favour of introducing a promise to tell the truth.

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16 KEYWORDS

17 Mock juror, Child witness, Truth and Lies Discussion, Promise to tell the truth, Canada competency

18 test, investigative interview

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23   The truth and lies discussion (TLD) is designed to assess a child witness's conceptual

24   understanding of the distinction between truth and lies and their moral commitment to telling

25   the truth for the court. The UK Achieving Best Evidence guidance on interviewing vulnerable

26   witnesses (ABE: Ministry of Justice, 2011) provides developmentally appropriate examples

27   of transgressions, which the child witness is asked to judge as the truth or a lie. This is

28   followed by exploration of the child's understanding of consequences of lying and a reminder

29   from the interviewer that the child witness must provide only truthful and accurate accounts

30   of everything they discuss during the interview. In 2006, legal reforms in Canada led to the

31   abolishment of the truth and lies test but still included the provision 'promise to tell the truth'

32   for children under 14 years old before they are permitted to give evidence (Bala, Lee,

33   Lindsay & Talwar, 2010).

34   **Development of lying behaviour**

35   Children's understanding of truth and lies develops very early in life (Talwar & Lee,

36   2008; Williams, Leduc, Crossman & Talwar, 2016), and lie telling behaviour increases with

37   age. Evans and Lee (2013) found that 2-year-old children lie spontaneously. By the age of

38   three most lied about transgressions: For each month of the children's growth, they were 1.4

39   times more likely to lie to hide a transgression. However, researchers have argued that very

40   young children's deceptive responses were impulsive utterances of their desires and not yet

41   fully formed lies (Ahern, Lyon & Quas, 2011; Williams, Ahern & Lyon, 2017).

42   Children's lying behaviour has been linked to their theory of mind (ToM)

43   understanding: The greater the ToM understanding, the earlier and more proficiently a child

44   will lie (Talwar & Lee, 2008; Ding, Wellman, Wang, Fu & Lee, 2015). Thus, in an interview,

45   a child with a good ToM understanding is more likely to pass the TLD and will be aware of

46   the interviewer's lack of knowledge of the event and understand that she/he can deceive the

47   interviewer. Contrarily, if a young child's ToM has not fully developed, he/she may fail the

48   TLD yet be less likely to lie. This is the antithesis of the fundamental assumption of the TLD

49   – that passing will increase truth telling behaviour. For a child to lie successfully, she/he must

50   differentiate his/her own mental state from their recipient and deliberately establish a false

51   belief in the mind of the receiver (Lee, 2013). ToM abilities have been demonstrated in

52   children as young as 2-3 years old (Leduc, Williams, Gomez-Garibello & Talwar, 2017).

53   Williams, Ahern and Lyon (2019) and Williams, Leduc, Crossman and Talwar (2016) found

54   a positive relationship between the ability to recognise truth and lies and lying proficiency.

55   This has implications for the TLD – which is based on ToM understanding. A child that

56   initially fails the TLD, may mature developmentally by the time of the trial, and their

57   knowledge may be sufficient to subsequently pass the TLD (Lyon, 2011). Especially

58   concerning however, is the fate of the evidence given by children who fail to have any

59   understanding of the need to tell the truth in an investigative discussion, regardless of

60   whether they pass or fail the TLD. Research on whether this affects subsequent objective

61   truth telling behaviour needs to be examined as 'a lack of understanding of truth and lies by

62   the child during the interview and any subsequent clinical assessment may seriously

63   jeopardise the evidential value of the interview' (ABE: Ministry of Justice, 2011, pp.73).

64   **Truth and lies discussion and promising to tell the truth**

65   Child witness' truthfulness may increase following a TLD (Huffman, Warren &

66   Larson, 2000). London and Nunez (2002) found that, unrelated to whether or not the child

67   passed the TLD, simply participating in the activity promoted truth-telling behaviour in

68   children. In both London and Nunez (2002) and Huffman et al., (2000), the increase in

69   truthfulness may have resulted from a request to tell the truth during the TLD rather than

70   from passing the test itself. However, Talwar et al., (2002), found that children's conceptual

71   knowledge of truth and lies and the negative moral value they assigned to lying behaviour did

72 not relate to the actual truthfulness of their subsequent accounts. Critics of the current ABE

73 TLD have argued that this story telling approach can be very confusing for young children

74 and those with impaired communication skills; e.g., those with autism or learning disabilities

75 (Marchant, Collins & Prior, 2013). Marchant et al.'s preliminary research has found benefits

76 of the organisation Triangle's simplified versions of the TLD delivered via digital visual

77 recording compared with the story format in ABE. They suggest that children find the

78 audio/visual versions simple to understand and quicker, resulting in possible reduction in the

79 cognitive load of both the child and interviewer. Importantly, it does not require story-telling

80 or pretending, does not require the understanding of other's beliefs and does not implicate the

81 child witness (Marchant et al., 2013).

82   Talwar et al., (2002) demonstrated that promising to tell the truth compared with a

83 TLD was an effective way of increasing truth-telling in young children. Promotion of truth-

84 telling behaviour following a promise oath has been consistently replicated: Evans and Lee's

85 (2010) study found 8 to 16-year-olds who lied about a transgression to be eight times more

86 likely to change their answer to the truth after they made a promise oath compared with those

87 in a TLD group. Lyon, Malloy, Quas and Talwar (2008) found an increase in honesty

88 following a promise oath remained after maltreated children were extensively coached to

89 falsely deny and falsely reveal information. Following such robust empirical support for the

90 promise oath, in 2006 Canada abolished the TLD for children under 14 years old in favour of

91 a promise to tell the truth (Bala et al., 2010). Whilst it may seem logical for the UK to follow

92 in Canada's footsteps, recent empirical studies have found the promise oath to be ineffective

93 for younger children (Bender, O'Connor & Evans, 2018) and maltreated populations

94 (McWilliams, Stolzenberg, Williams & Lyon, 2019). According to McWilliams et al., (2019)

95 as the demands of keeping the promise rise, the promise becomes less effective, in other

96 words, the higher the motivation to maintain the lie, the less effective the promise to tell the

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97   truth. Motivation maybe extremely high in forensic contexts whereby disclosure of a child's

98   lie may lead to the incarceration of a parent or being placed into foster care.

99   **Impact on jurors**

100   Lyon (2011) highlighted that jurors may be sceptical of child witness accounts if the

101   child has not demonstrated an understanding of and differentiation between truth and lies. A

102   small number of studies have investigated jurors' responses to TLDs. Peterson (1996) found

103   that the perceived honesty of witnesses' accounts (both adults and children) increased after

104   passing a competency test. Nikonova and Ogloff (2005) found that providing mock jurors

105   with a judicial warning about the limitations of child witnesses (e.g., limited observational

106   skills, limited recall ability and moral responsibility), led to fewer guilty verdicts when the

107   child witness was 10-years-old, however there was no effect of judicial warning when the

108   witness was 7-years-old. Connolly, Gagnon and Lavoie (2008) demonstrated that a judicial

109   declaration of competence about a specific child (as opposed to a general declaration about

110   all children) increased jurors' perceptions of the child witness's credibility whilst decreasing

111   their perceptions of credibility towards the defendant. In some conditions in that study,

112   providing jurors with a declaration of a child's competency increased subsequent credibility

113   judgements more than was justified by the case evidence. Recently, an unpublished study,

114   Cherryman and Parsons (2017) explored how a child passing or failing a TLD and the effect

115   of having a traditional or contemporary name influenced 82 mock jurors' perceptions of the

116   guilt of an alleged perpetrator. Results showed that mock jurors rated the child's account as

117   significantly more truthful and the defendant significantly more guilty when the TLD was

118   passed versus when it was failed. The findings are a cause for concern given the lack of a

119   relationship between TLD performance and subsequent truth/lie telling behaviour. There are

120   no published studies that we are aware of which examine the effect of a child witness

121   promising to tell the truth compared with a TLD on jurors' judgements of defendant guilt and

122   witness honesty and credibility.

123   **Age and credibility**

124   The age of a child influences credibility judgements. Depending on the type of crime

125   and methods used, children are sometimes considered less than, equal to, or more credible

126   than adults (Ross, Jurden, Lindsay & Keeney, 2003). Credibility judgements involving

127   sexual abuse have demonstrated a negative age bias in favour of younger children

128   (Nightingale, 1993; Gabora, Spanos & Joab, 1993). Studies involving physical violence have

129   produced conflicting findings, some demonstrating credibility judgements in favour of

130   younger children (e.g., Peterson, 1996; Dahl & Price, 2012) and other studies finding older

131   children to be considered more accurate, reliable and credible than younger children

132   (Newcombe & Bransgrove,2007; Hershkowitz, Melkman & Zur, 2018). Other studies have

133   failed to demonstrate any significant effects of age on credibility judgements (e.g., Crowley,

134   O'Callaghan & Ball, 1994; Nightingale, 1993; McCauley & Parker, 2001).

135   In an attempt to explain the conflicting findings of credibility judgements of child

136   witnesses, a two-factor model has been proposed involving; a) perceived honesty and b)

137   perceived cognitive ability (Ross et al., 2003). Generally, children are considered more

138   honest than adults (due to their perceived innocence and vulnerability), but less cognitively

139   competent owing to their immature memory, encoding and retrieval abilities. If the focus of

140   attention is on the child's ability to recall the event, the child is likely to be considered less

141   credible than an adult due to their less developed memory systems and suggestibility.

142   Conversely, if the focus is on the honesty of the account, a young child is likely to be

143   considered more credible since he/she may be too young and too naive to have a hidden

144   agenda.

145   **The current study**

146   This study is examining the impact of a child passing or failing the UK TLD compared with

147   the Canadian promise to tell the truth on mock jurors' decisions regarding credibility and

148   truthfulness of a child witness and the guilt of the defendant they are testifying against. As

149   previously mentioned, the TLD is usually followed by the interviewer requesting that the

150   witness tells the truth; however, for the purpose of this study we focus only on the effect of

151   the TLD itself. Based on Connolly et al.'s (2008) and Cherryman and Parson's (2017)

152   findings, it is predicted that participants will rate truthfulness and credibility of the child and

153   guilt of the defendant significantly higher when the child passes the TLD compared to failing

154   it. We also predict that a child promising to tell the truth will have a similar effect as passing

155   the TLD, i.e. increasing the participants' ratings of their truthfulness and credibility compared

156   to children who fail the TLD. We will also explore whether the age of the witness affects

157   decision making. However, due to the mixed results in the literature (e.g., Dahl & Price,

158   2012; Hershkowitz et al., 2018), we can only predict a difference and not a direction for this

159   effect. Finally, we predict there will be a significant interaction for credibility, truthfulness,

160   and guilt ratings of the child according to age of child and passing/failing the TLD versus

161   promising to tell the truth.

162   **Method**

163   **Participants**

164   92 participants were recruited through student and social media forums (Facebook

165   and Twitter), and an opportunity sample (mean age 38.5 years (SD = 12.55), 76 women, 17

166   men). As this was a master's project, the sample size (originally 120 reduced to 92 after

167   missing data was removed) was determined by time and practical constraints. In line with the

168   requirements to carry out jury service in the UK, eligibility to participate required participants

169   were aged 18-75 years old, were on the electoral role and had resided in the UK for more

170   than 5 years. The study was approved by the University of Portsmouth's Psychology

171   Departmental Ethics Committee, on delegated authority from the University's ethics

172   committee, in line with the British Psychological Society's Code of Human Research Ethics.

173   **Design**

174   A 3 (competency outcome: Pass TLD v Fail TLD v Promise to tell the truth) by 2 (age

175   of child witness: 4-year-old v 8-year-old) between-subjects design was used. The dependent

176   variables were ratings of credibility and truthfulness of the child witness, and guilt of the

177   defendant.

178   **Materials**

179   *Vignette*

180   A specially designed vignette (see appendix A) that described a child witnessing

181   domestic violence between his parents was manipulated for the two independent variables of

182   age and TLD/promise performance. Pilot testing revealed the vignettes to be convincing, after

183   completing the questionnaire and despite being informed that the vignette was created for

184   research purposes, many participants asked about the outcome of the case.

185   *Pilot study*

186   A pilot study, involving 11 participants (mean age 36.9 years-old, 8 female, 3 male) using the

187   online platform Qualtrics, was conducted to inform the questions for the main study. Data

188   was cleaned and reverse questions were recoded. Reliability analyses (see table 1 for

189   Cronbach's Alpha scores) were carried out. Two of the credibility questions failed to

190   correlate with any other item (Sammy gave too many details for a child, he must have been

191   coached; Sammy's account sounds realistic it must be true) and removing these left 3

192   credibility questions. One question on the truthfulness scale (Sammy was so affected by the

193   incident he told the teacher – it must be true) did not correlate with any other item and was

194   removed. One question on defendant guilt (Sammy's father was angry and shouted, but he

195   was not violent) failed to correlate with any other item and was removed, leaving 4 questions

196   relating to defendant guilt. Manipulation checks (questions about Sammy's age and which

197   test he undertook) were presented after the survey questions followed by background

198   questions (gender, age and previous jury participation). Please see appendix B for pilot

199   questions and the final questionnaire.

200   *Table 1*

201   *Final questionnaire*

202   Some questions were relabelled, and the question categories were reduced to

203   credibility, truthfulness and guilt. The final questions included a dichotomous yes/no

204   defendant guilt question and a percentage chance the defendant was guilty beyond reasonable

205   doubt. An exploratory qualitative question on the factors which most influenced decisions

206   was included. This was followed by 13 statements with forced choice 5-point likert scales

207   from strongly disagree to strongly agree. These statements included: Sammy's credibility (3

208   statements), the truthfulness of Sammy's account (6 statements), and the father's guilt (4

209   statements). Statement order was randomised.

210   **Procedure**

211   The study was advertised on student and social media forums. Participants contacted

212   the researcher via email and were sent a unique link to the study on Qualtrics. First, all

213   participants read a participant information sheet and completed a consent form. Participants

214   were then informed that they had to consider themselves to be on the jury for a case and make

215   decisions about the guilt of the defendant as it had progressed to court. The survey program

216 randomly assigned each participant to one of the specially designed vignettes. After reading

217 the vignette, the participants completed the survey questions. Lastly, participants read a

218 debrief explaining the nature of the study.

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Results

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Hypotheses Testing

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221   A 2 (Witness Age) x 3(Competency Outcome) MANOVA was conducted with the

222 three judgements of witness credibility, witness truthfulness and suspect guilt as dependant

223 variables.

224   There was a significant main effect for Competency outcome $\Lambda = 0.85$, $F_{6,162} = 2.32$,

225 $p = 0.035$, $\eta p^2 = .079$. However, MANOVA calculations revealed no significant main effect

226 for age $\Lambda = 0.98$, $F_{3,81} = 0.58$, $p = 0.63$. There was no significant interaction between age and

227 competency outcome, $\Lambda = 0.92$, $F_{6, 162} = 1.17$, $p = 0.32$, $\eta p^2 = .04$.

Credibility

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229   Supporting the hypothesis, significant univariate results were obtained for credibility

230 $F_{2,83} = 5.63$, $p=0.05$, $\eta p^2 = .119$. Tukey post hoc tests revealed that when failing the TLD

231 participants gave significantly lower credibility ratings than passing the TLD and promising

232 to tell the truth (passing vs. failing the TLD: M diff=.90, SE= .26, $p=0.02$; promising to tell

233 the truth vs. failing the TLD: M diff = .67, SE= .25, $p=0.03$). There was no difference

234 between passing the TLD and promising to tell the truth (M diff=.23, SE=.25, $p=.62$). See

235 figure 1.

Truthfulness

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237   Supporting the hypothesis, significant univariate results were obtained for truthfulness

238 $F_{2,83} = 3.97$, p=0.02, $\eta p^2 = .087$. Tukey post hoc tests revealed that failing the TLD led to

239   lower truthfulness ratings than passing the TLD and promising to tell the truth (passing vs.

240   failing the TLD: M diff=.64, SE=.22, *p*=0.01). There was no difference between passing the

241   TLD and promising to tell the truth (M diff=.23, SE=.21, *p*=.51).

242   *Figure 1*

243   **Defendant guilt**

244   Univariate calculations revealed that there was no difference for guilt according to

245   whether the child had passed the TLD, failed the TLD, or promised to tell the truth, $F_{2,83} =$

246   1.87, p = 0.161. Chi-square calculations showed that there was no difference on guilty

247   decisions according to the age of the child, (χ^2_1 = .356, p=.375), or the information given in

248   the vignette about the competency of the child, (χ^2_2 = 4.453, p=.132).

249   **Discussion**

250   As hypothesised, there was an effect for competency outcome on judgements of

251   witness truthfulness and credibility. Mock jurors rated the truthfulness and credibility of the

252   child witness significantly higher after the child passed versus failed the TLD. They also

253   judged the credibility of the child witness significantly higher after the child promised to tell

254   the truth versus failed the TLD. However, they did not judge the guilt of the defendant

255   differently according to whether the child had passed the TLD, failed the TLD, or promised

256   to tell the truth. There was no significant difference when judging truthfulness or credibility

257   when the child passed the TLD versus promised to tell the truth. Failing to support the

258   hypothesis, there was no effect of age on credibility, truthfulness and guilt ratings. Nor was

259   there a significant interaction between age and truth/lie/promise performance.

260   The finding in the current study supports Cherryman and Parson's (2017) and

261   Peterson's (1996) findings of an increase in perceived honesty of a witness's account after

262   passing the TLD even though studies (e.g., Talwar et al., 2002) have found that whether a

263   child passes or fails a TLD has no bearing on whether the child will subsequently lie or tell

264   the truth. Similar to Nikonova and Ogloff's (2005) findings for their youngest witness

265   condition, the current study failed to demonstrate an increase in defendant guilt judgements

266   after the child had passed the TLD. This may be related to the type of case used in the study.

267   The vignette in the current study described an alleged physical assault in a domestic setting.

268   Some studies have demonstrated higher guilt ratings in sexual versus physical abuse cases

269   (e.g., Sheahan, Pica, & Pozzulo, 2017). Future research should continue to explore how types

270   of cases affect perceptions of defendant guilt and witness credibility judgements, given the

271   diversity of cases real life jurors face and the subsequent impact jurors have on the outcome

272   of cases.

273   Unlike the TLD, promising to tell the truth does significantly increase subsequent

274   truth-telling behaviour in some (Talwar et al., 2002; Evans and Lee, 2010; Lyon et al., 2008)

275   but not all children (McWilliams et al., 2017; Bender, O'Connor & Evans, 2018). The

276   findings in this study demonstrate that participants do place weight on the promise oath and

277   rate children as more credible when they have made one. However, promising to tell the truth

278   has a similar effect on participants judgement of witness truthfulness or defendant guilt as

279   passing the TLD. These mixed findings suggest a need for further exploration of the impact

280   of a promise oath on jurors before the UK follows in Canada's footsteps and introduces a

281   promise oath. As Connolly et al. (2010) found, in some conditions, providing jurors with a

282   declaration of a child's truth and lies competency increased subsequent credibility

283   judgements more than was justified by the case evidence. Connolly et al. therefore advised

284   that in areas that have abolished the truth and lies competency test, a declaration that children

285   are competent in this subject may not be appropriate. The challenge therefore is to devise an

286   activity/declaration that promotes truth-telling in witnesses yet does not lead to jurors placing

287   too much or too little weight on its outcome when deciding on the credibility of the witness

288   and guilt of the defendant.

289   The lack of an effect of age on guilt, truthfulness and credibility judgements was

290   unsurprising given the conflicting findings of age effects in the literature. These results are

291   in-line with that of McCauley and Parker (2001) and Nightingale (1993) who failed to find a

292   significant effect of age on verdict judgement, witness honesty and credibility. Our results do

293   conflict with previous findings that older (school-aged) children are generally considered

294   more credible than younger children (Hershkowitz et al., 2018; Newcombe & Bransgrove,

295   2007). This could be explained by the aforementioned two-factor model involving perceived

296   honesty and perceived cognitive ability (Ross et al., 2003). Young children are usually

297   perceived as honest and innocent but lacking in cognitive competency (Connolly et al, 2010).

298   In the current study, some participants may have focussed on the child witness's ability to

299   recall the alleged crime (e.g., can the child remember correctly that their father hit their

300   mother first?), whereas others may have focussed on the honesty of the account (is the child

301   lying to protect the mother?). These two considerations may have cancelled each other out

302   over all participants.

303   **Limitations**

304   This was a vignette study therefore the level of detail and testimony which would

305   have been heard in a real-life trial was missing. Inherent to mock juror research, the intensity

306   of the pressure of having to make decisions that may lead to the incarceration of a defendant

307   cannot be replicated in experimental settings. The ecological validity and responsibility of

308   the participants can be increased, future research could use video-taped trials or actors in a

309   mock court-room. For instance, to highlight the gravity of the task, McCauley and Parker

310   (2001) advised participants that their decisions may affect a current legal case.

311   Another caveat of the current research relates to the sample of participants

312   (predominately women) which may limit the generalisability of the findings. Previous

313   research has found that juror demographics (e.g. age/sex) can influence guilty verdicts

314   (Devine & Caughlin, 2014) and credibility judgements (McCauley & Parker, 2001). Future

315   research should examine whether juror demographics would affect the results of the current

316   study. One strength of the study lies in the age range of participants; i.e. they reflect a more

317   realistic representation of jurors, whereas most mock juror studies sample undergraduate

318   students as participants, whom although possibly jury eligible, would limit the

319   generalisability of the findings. The current study used just one type of abuse (i.e. physical

320   abuse between parents). Future research should consider the effect of other types of abuse

321   such as sexual abuse. Lastly, the current study included the TLD and not the follow up

322   emphasis on truth-telling and possible consequences of lying. We suggest that future research

323   should include all elements of the ABE TLD to examine which components or interaction of

324   components promote truth-telling most effectively.

Conclusion

326   Although mock jurors perceived the child witness to be less truthful and credible when the

327   child failed the TLD, this did not have an effect on ratings of defendant guilt. This calls into

328   question the efficacy of the TLD. If jurors are being informed that a child has failed the TLD

329   in real-life cases, this may have a detrimental effect on the child witness' credibility. Since a

330   child's performance on a TLD does not necessarily impact on their actual truthfulness in

331   court, this may be particularly unfair. Whether the TLD should be replaced with a promise to

332   tell the truth needs further exploration. In this study, the promise oath increased the child

333   witness's credibility and perceived truthfulness to a similar extent as passing the TLD did,

334   compared to failing it. As Bala et al. (2010) pointed out, the promise oath does no harm

335   (unlike the potential adverse effects of failing the TLD on the evidential value of a child's

336   testimony) and it has the added advantage of promoting truth telling. This might suggest that

337   the UK should, like Canada, abandon the TLD for a promise to tell the truth. However, the

338   promise oath is only effective with older, non-maltreated children. Hopefully, future research

339   can help develop a promise/discussion that will have the same beneficial effects for younger

340   children.

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342   **Data Sharing**

343   The data that support the findings of this study are available from the corresponding author

344   upon reasonable request.

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474   Table 1

475   *Reliability Index for credibility, truthfulness and father's guilt survey questions*

Survey Questions	Cronbach's Alpha Before	Cronbach's Alpha After
Credibility	.469	.701
Truthfulness	.834	.846
Father's guilt	.832	.861

476   *Note.* Before and after Cronbach's Alpha scores once uncorrelated questions were removed.

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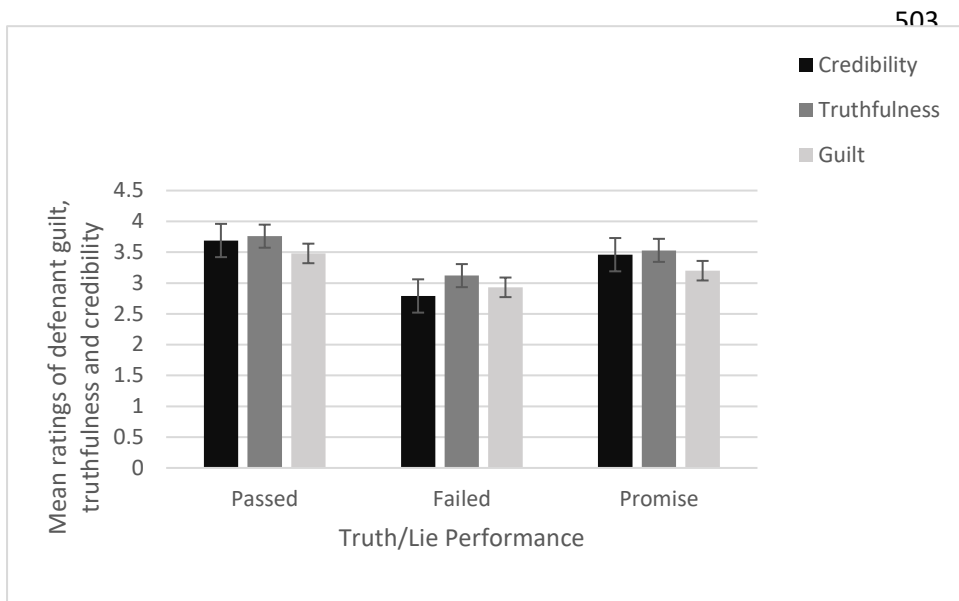487

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Figure 1 Mean participant's ratings of credibility, truthfulness and defendant guilt judgements in the passed TLD, failed TLD and promise groups. Error bars represent standard errors.

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Vignette

534

535 Sammy is a (4-year-old boy / 8-year-old boy) who lives alone with his mother in an affluent
536 area and attends a local private school. Sammy's mother and father are currently going
537 through a divorce and Sammy stays with his father and his father's new partner every other
538 weekend. Sammy's family life to now has been good, he is securely attached to both parents
539 and was also performing extremely well at school. However, things seemed to change in the
540 weeks leading up to his parent's separation. Sammy's teacher has had separate meetings with
541 each parent discussing Sammy's disruptive behaviour and his seemingly low mood. Both
542 parents suggested that it was likely due to their separation and agreed to try to smooth the
543 currently volatile situation. (A note of these meetings were added to the safeguarding system
544 kept by the school).

545

546 Sammy's mother is currently not in the country as her twin sister, who lives alone and works
547 in Canada, has been diagnosed with stage 4 cancer and has to go through chemotherapy
548 before she can have surgery (and then it is likely that she will need radiotherapy). She is
549 currently too ill to travel back to the UK. Sammy's mother has decided to remain in Canada
550 to care for her sister but she speaks to Sammy daily via facetime - frequently from outside the
551 hospital. Sammy is temporarily living with his maternal grandmother who has been involved
552 in his care since birth and they have a solid and loving relationship.

553

554 Four days after his mother went to Canada, Sammy's school called the police after Sammy
555 told his teacher that he saw:

556

557 "Daddy hitting mummy and mummy hitting daddy back." He started to cry as he told the
558 teacher Mummy was crying and she shouted stop"

559

560 The police attended the school and took Sammy to be interviewed in a video recorded
561 children's suite. The interviewing officer considered, but decided against, using a registered
562 intermediary as Sammy was able to communicate well and the child protection officer
563 proceeded with the interview.

564

565 In line with official interviewing guidance, the interview began with a rapport building and
566 ground rules phase.

567 Sammy was informed about the special conversational rules of the interview and was
568 introduced to the mandatory discussions that form part of the interview and this was followed

569   by the essential discussion to determine Sammy's competency to tell the truth. Sammy

570   Passed this truth and lies test/ failed this truth and lies test/ made a promise to tell the truth.

571

572   Sammy responded to the officer's question to tell him everything that happened:

573

574   "Daddy took me back to mummy's. Smudge was barking and I ran in to him. Mummy and

575   daddy were whispering talking. Then they were very loud – I ran back to them".

576

577   The officer asked where his mummy and daddy were when they were being loud:

578

579   "Inside the house. Daddy and mummy shouted naughty words. Very cross. Daddy hit

580   mummy in the face. He squeezed her neck. Mummy hit daddy on his head with her phone…

581   Daddy let go, Mummy shouted stop stop stop. Daddy ran out, and that's what happened."

582

583   Sammy's father was interviewed and said that he and Sammy's mother had an argument and

584   shouted at each other then he left slamming the door, he said no violence occurred. Sammy's

585   mother is not available for interview since she is still out of the country. She also says that

586   she is not currently able to deal with this case and does not cooperate. Because of Sammy's

587   evidence, the father was charged with assault and the case was taken to Crown Court.

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604   Appendix B

605   Original pilot questions and final questionnaire

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607 **Pilot Questionnaire**

608 You will be asked some questions about the guilt of the alleged perpetrator, please rate the
609 amount that you agree with each question.

610

611 Is Sammy's father guilty or not guilty of assault? Guilty   Not Guilty

612

613 Using a percentage, please rate how guilty Sammy's father is.

614

615 Open question - Please state the factors that most influenced your decision on whether
616 Sammy is telling the truth/lying.

617

618 **Father's Guilt**

619 Sammy's father is guilty of the alleged offence

620 Sammy's father was angry and shouted, but he was not violent. REVERSED

621 Sammy's father's frustration at the messy divorce spilled over into the violent outburst where
622 he tried to strangle Sammy's mother.

623 Sammy's father is denying the charge because it did not happen. REVERSED

624 Sammy's father has moved on with his life, he was not violent to Sammy's mother.

625

626 **Truthfulness**

627 Sammy is telling the truth about the alleged incident

628 Sammy is lying about his father trying to strangle his mother REVERSED

629 Sammy's mother coached him to lie about the alleged offence REVERSED

630 Sammy made the story up to get attention. REVERSED

631 Sammy was so affected by the incident he told the teacher, it must be true.

632

633 **Sammy's credibility**

634   Sammy has no reason to lie about the alleged offence – he is believable.

635   I believe Sammy, he is a credible witness.

636   Sammy gave too many details for a child, he must have been coached. REVERSED

637   Sammy's account sounds realistic it must be true.

638   Sammy reported the same story to his teacher and then the police officer, it must be true.

639

640   **Age**

641   In general, young children are prone to telling lies REVERSED

642   Sammy is too young to lie about the event.

643   Children often fantasise, Sammy imagined the event.

644   Sammy is old enough to understand the consequences for his father if he lies about the event.

645   Children are likely to exaggerate, there was shouting but no violence.

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666   Final Questionnaire

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668 **Questionnaire**
669 You will be asked some questions about the guilt of the alleged perpetrator, please rate the
670 amount that you agree with each question.

671

672 Is Sammy's father guilty or not guilty of assault? Guilty   Not Guilty

673

674 Using a percentage, please rate whether Sammy's father is guilty or not guilty BEYOND
675 REASONABLE DOUBT of assault against Sammy's mother.

676

677 Open question - Please state the factors that most influenced your decision on whether
678 Sammy is telling the truth/lying.

679

680 **Father's Guilt**

681 Sammy's father is guilty of the alleged offence

682 Sammy's father's frustration at the messy divorce spilled over into the violent outburst where
683 he tried to strangle Sammy's mother.

684 Sammy's father is denying the charge because it did not happen. REVERSED

685 Sammy's father has moved on with his life, he was not violent to Sammy's mother.

686

687 **Truthfulness**

688 Children are likely to exaggerate, there was shouting but no violence.

689 Sammy is telling the truth about the alleged incident

690 Children often fantasise, Sammy imagined the event.

691 Sammy is lying about his father trying to strangle his mother REVERSED

692 Sammy's mother coached him to lie about the alleged offence REVERSED

693 Sammy made the story up to get attention. REVERSED

694

695 **Sammy's credibility**

696   Sammy has no reason to lie about the alleged offence – he is believable.

697   I believe Sammy, he is a credible witness.

698   Sammy reported the same story to his teacher and then the police officer, it must be true.