

# Implications of Types of Forensic Evidence in Child Sexual Abuse Cases

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## INTRODUCTION

- ❖ Child sexual abuse (CSA) cases have various types of forensic evidence that is compelling to jurors.
- ❖ Attorneys can use forensic evidence to enhance jurors' tendency to believe the defendant or the victim.
- ❖ Types of forensic evidence used can significantly impact juror judgments or can create more controversy.
- ❖ Types of forensic evidence:
  - Child testimony
  - Expert testimony
  - Medical evidence
  - Syndromal evidence
  - Assessment with anatomically detailed dolls
- ❖ CSA cases account for 88% of instances of child testimony (Goodman et al., 1999).

## RESEARCH RESULTS

- ❖ Child's age and interview quality can affect testimony (Bruck et al., 2011; Holcomb & Jacquin, 2007).
- ❖ Preschoolers and young children are prone to suggestibility and may be less believable (Bruck et al., 2011).
- ❖ Details of CSA are hard for children to correlate with specific events in cases of repeated abuse (Brubacher et al., 2014).
- ❖ When interviewers talk about two occurrences of abuse, often times the child cannot remember (Brubacher et al., 2014).

## TYPES OF FORENSIC EVIDENCE



### Child Testimony

- ❖ Common interview strategies may use problematic techniques such as leading questions and can induce false memories (Goodman et al., 1999).
- ❖ The defense will challenge child testimony by arguing inaccurate memory, coaching, and suggestibility (Goodman et al., 1999).

### Expert Testimony

- ❖ Used on behalf of the victim (Klettke et al., 2010).
- ❖ Typically, the expert is a psychologist who has knowledge, skill, and training in the area of CSA (Klettke et al., 2010).
- ❖ Helpful in describing behaviors and responses of a child who experienced CSA.
- ❖ Increasing laypeople's knowledge helps in reaching a verdict, and also allows jurors to make better-informed decisions (Bruck et al., 2011).

## TYPES OF FORENSIC EVIDENCE

### Medical Evidence

- ❖ When medical evidence was present, victims were judged more truthful and there was greater belief that the defendant was guilty (Falligant et al., 2017).
- ❖ Other research found that medical evidence did not predict verdicts (Lewis et al., 2014).

### Syndromal Evidence

- ❖ Based on emotional and behavioral reactions to sexual abuse (Kovera et al., 1994).
- ❖ Research suggests that this is the most effective evidence used in cross-examination (Kovera et al., 1994).

- ❖ Testimony describes the ways in which the victim shows syndrome or disorder symptoms commonly experienced by CSA victims.

### Assessment with Anatomically Detailed Dolls

- ❖ In a session with a forensic psychologist, the child would use the doll to describe the abuse (Kovera et al., 1994).
- ❖ Prosecutors argue that dolls are not needed and could hurt the case because they can increase false reports (Goodman et al., 1999).

## RESEARCH SUGGESTIONS

- ❖ Use the best and least biased interview techniques for child witnesses/victims. Focus on the questions that will yield more details that are accurate.
- ❖ The interviewer needs to be aware of the language that is used and eliminate leading and suggestive questions.
- ❖ Utilize innovations, such as closed circuit television (CCTV) to reduce distress for child testimony.
- ❖ Continue to utilize expert testimony to increase jurors' knowledge of responses to CSA including relevant syndromes (e.g., PTSD).
- ❖ CSA cases involving older children are most likely to need expert testimony to counteract juror bias due to the child's age.

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