Ceci Shapes Judicial Policy on Testimony of Children

Department: CIRC

For more than 25 years, Stephen Ceci has probed the accuracy of testimony given by children. His credibility as a researcher enables him to have a great impact on how judges perceive the information garnered by court interviewers and investigators.

When Stephen J. Ceci addresses members of the Family Law Association, he knows at least one thing most likely to be said about him.

“Judges who introduce me almost always say to the audience, ‘I’ll save you the bother of putting Dr. Ceci in your Rolodex; he isn’t for hire,’” says the Helen L. Carr Professor of Developmental Psychology in the Department of Human Development, who has turned down more than 1,000 offers from organizations as big as the Boy Scouts of America, the YMCA, and the Catholic Church and celebrities as high profile as Woody Allen and Michael Jackson.

Why does Ceci refuse to be an expert witness? Because, he says, he learned early on that the adversarial atmosphere of the courtroom isn’t the best venue for conveying science. And in steadfastly refusing to profit from his work, Ceci has gained the respect of judges across North America and Europe. They cite his publications in their decisions and invite him back again and again to give talks or seminars based on the latest research in children’s testimonial competence and accuracy.

“Judges are understandably very wary of people who may have an alternative motive, so I never testify for either side,” Ceci says, by way of explaining one of the reasons why—during the past 27 years—he has had such an impact on judicial policy.

Instead, Ceci offers the latest research findings from studies conducted in his own laboratory and those of other scientists—most notably his frequent collaborator Maggie Bruck, a professor of child and adolescent psychiatry in the Department of Psychiatry and Behavioral Sciences at Johns Hopkins University School of Medicine—to illuminate the issues that arise when law enforcement officers, social workers, court-appointed evaluators, lawyers, and judges deal with the testimony of children.

Misconceptions abound. Ceci’s goal is to convey what the science shows about, for example, the way that children disclose whether they have been abused.

For more than 20 years, a group of beliefs that has come to be called the Child Sex Abuse Accommodation Syndrome (CSAAS) has been accepted as true. The CSAAS posits that when children are abused, they delay reporting it—sometimes for decades. When they are asked directly, they will deny any abuse has occurred; yet after repeated questioning, they gradually begin to give fragmentary disclosures, little bits and pieces about how they were abused. Next, they recant altogether. Only later, when they are in what is perceived to be a psychologically safe situation, do they give a full and elaborate disclosure.

The CSAAS is routinely used by expert witnesses for both the defense and the prosecution.

“So the first thing I tell judges is that neither side is right, that the CSAAS doesn’t accurately capture the way abused kids disclose what happened to them,” Ceci says. In analyses of dozens of published studies, Ceci, Bruck, and Kamala London separated out the methodologically sound
studies on children’s mode of disclosure from the abundance of poorly conducted ones and found that the only part of the CSAAS that is valid is that abused children typically deny any abuse has occurred when first questioned. The high-quality studies showed that children (even into adulthood) delay reporting what happened to them. And while it is true that children don’t tend to spontaneously tell of their abuse, data show that the vast majority do tell, in full detail, when explicitly asked.

“It’s important for judges to know what science shows, because this set of invalid beliefs animates the whole investigatory process,” Ceci points out. “It motivates investigators and interviewers to pursue reluctant children, who may be reluctant because nothing actually happened.”

Social workers and police officers who hold to the beliefs of the CSAAS will continue to question a child who, when asked directly, denies being abused. After repeated questioning, when the child then begins to give fragmentary disclosures, the interviewer determines this behavior to be consistent with CSAAS theory. Then, when a mother or grandmother asks the child and they recant, this denial is additionally seen as consistent with child sex abuse.

“In actuality, what it is consistent with is the child being badgered so often that he or she finally relents and tells the person what the child thinks the person wants to hear to get out of an uncomfortable interview situation,” Ceci explains.

Demonstrating that the CSAAS does not hold up under rigorous scientific scrutiny was the first of three points that Ceci made in a webcast aired in April of 2005 to an audience of New York State judges as part of the New York State Judicial Institute’s continuing education programming. Video streaming is the latest forum to bring Ceci and practitioners together.

The second misconception he corrected in the webcast was a common way that judges evaluate the veracity of an interview: by looking for whether the interviewer has asked leading questions.

“They think that the absence of leading questions indicates a good interview, whereas the presence of leading questions indicates a bad interview,” Ceci explains.

Instead, judges should be looking at the interviewer’s attitude. It is simple, Ceci says, to detect interviewer bias. A biased interviewer has a preordained belief about what happened to the child and conducts the interview to confirm this belief. Such an interviewer will reinforce the child for information consistent with this belief and ignore or even punish the child for information contrary to it. A fair-minded interviewer, however, can do a very fine job, even if he or she asks occasional leading questions, as long as the interviewer is listening to what the child is saying and from that generating some plausible alternative hypotheses.

“Judges resonate with this because they see this kind of thing in their courtroom all the time,” Ceci says. “I show them how we do controlled experiments that demonstrate how a biased interviewer can ask very few suggestive questions and yet do a very bad interview, while a very fine interview can still contain leading questions.”

The third point in the webcast focused on the infallibility of memory—not only the child’s memory but the interviewer’s memory as well.

Ceci presents data from studies done in his laboratory and elsewhere, in which experienced interviewers are videotaped questioning children. In comparing the videotape with the
interviewer’s description of what happened, it becomes apparent that even 20 minutes after an interview is concluded, the interviewer can’t remember details of what transpired. The interviewer often can remember the bottom line but has no recollection of the give and take of the interview—hence whether something was freely reported by the child or was the outcome of a series of highly leading questions at first met with denials, then finally with assent. In other instances, the interviewer reverses what he or she said with what the child said.

Ceci advises judges to insist on electronically recorded interviews and then listen for themselves to how the interviewer got from point A to point B.

Nothing is more eye-opening to judges than when Ceci uses examples taken from actual court cases such as audiotaped therapy sessions. The transcriptions make clear that what the psychiatrist testified to in court is not what the child had said during therapy.

“The therapist wasn’t lying; she provided those tapes to the court in good faith. She had just forgotten exactly what she had said and exactly how the child had responded,” Ceci says.

Ceci’s credibility as a research scientist is another reason he has been so influential in shaping policy regarding children’s testimonial competence and accuracy. For the first third of his career, Ceci conducted purely theoretical research and published his results for a scientific audience. From the beginning, Ceci’s papers were accepted by the most rigorously peer-reviewed journals. His studies have appeared in Psychological Bulletin, Developmental Review, Journal of Experimental Psychology, Psychological Review, and American Psychologist, among many others.

Over time, such premier journals have also accepted his papers about applied research of judicial relevance, thus conferring not only credibility but visibility as well.

One article alone, “The Suggestibility of Children’s Recollections: A Historical Review and Synthesis,” co-authored with Maggie Bruck and published in Psychological Bulletin in 1993 has been cited nearly 500 times in other scientific articles.

The influence of Ceci’s thinking on other scientists’ work is evidenced by the more than 4,500 citations of his writings in other books and journal articles. Between 400 and 500 new citations of his work appear each year.

Such productivity is possible because Ceci’s laboratory attracts top talent—accepting typically a dozen doctoral and post-doctoral students at any one time. To prepare them for the job market, Ceci tries to publish one or more articles with each of them.

“For graduate students interested in this field, Cornell is the first place they think to apply because we are so well known,” Ceci explains. “Consequently, I have the good fortune of working with many creative, very smart young people.”

The volume of e-mails Ceci gets asking for help is a big motivator to conscientious graduate students. Nearly every day, Ceci’s in-box brings yet another anguished tale: one from a pediatrician charged with misconduct while evaluating elementary school children, another from the mother of an incarcerated child molester desperate to clear her son’s name. (Ceci’s administrative assistant keeps a list of expert witnesses across the country to offer to all who ask.)
Ideas for dissertation studies can also be sparked by a steady stream of requests for help from professionals on the front line: judges, social workers, lawyers, and law enforcement officials.

“We always try to respond,” Ceci says. “First we ask ourselves what science already knows about X, then what kind of study would be needed to find out more.”

Two recent examples show how Ceci’s scholarship has had far-reaching effects on judicial procedure and policy. In U.S. v. Desmond Rouse decided before the United States Court of Appeals for the Eighth Circuit (the court directly beneath the Supreme Court), Ceci’s and Bruck’s work is relied upon almost exclusively in establishing new case law. Heavy quotations from their book Jeopardy in the Courtroom: A Scientific Analysis of Children’s Testimony run for pages. And on the state level, their research recently was cited in John Delbridge v. Commonwealth of Pennsylvania to establish a wholly new procedure for vetting children’s testimony.

Ceci’s influence on judicial thinking about child witnesses also has been widely recognized by his peers. In 2003, he was awarded the American Psychological Association’s Award for Lifetime Contribution to the Scientific Application of Psychology. This spring, he is being given the James McKeen Cattell Award “for a lifetime of outstanding contributions to the area of psychological research whose research addresses a critical problem in society at large” by the American Psychological Society (APS). Thus, Ceci recently has received the highest honors of the world’s two largest psychological societies.

“No studies of children’s suggestibility with Johns Hopkins’ psychologist Maggie Bruck are an elegant integration of cognitive, social, and biological processes and have been cited by courts at all levels,” reads part of the APS announcement that Ceci will receive the James McKeen Cattell Award.

APS past president Frank H. Farley has noted, “I believe Ceci’s work is having more salutary impact on pressing social and legal issues than almost any in our field.”

The field of children’s memory and the testimonial reliability of young children is constantly evolving, spawning large numbers of published studies.

“No nearly every month, findings appear that are intriguing, provocative, and controversial,” Ceci says, referring most recently to a study showing certain ploys that seem to increase by 10 percent an interviewer’s chance of detecting children who are lying.

“So,” says Ceci, “it’s very exciting when my students and I get together to try to figure out how we could design the definitive study to verify this.”