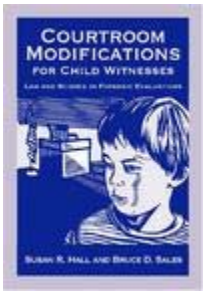
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Enhancing Child Testimony Through Courtroom Modification

A Review of

Courtroom Modifications for Child Witnesses: Law and Science in Forensic Evaluations
by Susan R. Hall and Bruce D. Sales
Washington, DC: American Psychological Association, 2008. 376 pp. ISBN
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Research on children's testimony has burgeoned in the past decade and garnered considerable interest from diverse scholars, largely due to a number of high-profile cases involving child abuse in the 1980s and 1990s. A number of excellent books and edited volumes have synthesized this literature for practitioners (e.g., Poole & Lamb, 1998; Westcott, Davies, & Bull, 2002), but to date no one has put together a book that translates this research into courtroom modifications.

Thus, Hall and Sales's book *Courtroom Modifications for Child Witnesses: Law and Science in Forensic Evaluations* fills a meaningful gap in the growing literature on children's testimony. It weaves research on children's testimony with that on emerging legal opinion to analyze current and proposed courtroom modifications such as closed-circuit television, screens, and hearsay exceptions. The case list discussed in this volume includes seminal, if contradictory, Supreme Court decisions (e.g., Maryland v. Craig, 1990; Coy v. Iowa, 1988; Crawford v. Washington, 2004; Idaho v. Wright, 1990) in cases regarding the availability of child witnesses and the appropriateness of issues such as the use of closed-circuit television testimony or one-way mirrors that avoid face-to-face confrontation between the child and the defendant.

Courtroom Modifications for Child Witnesses provides nonlegal scholars with excellent analyses of appellate cases that are controlling opinions despite being denied review by the Supreme Court. An example is Hall and Sales's informative analysis of Danner v. Kentucky (1998). In this case an alleged 15-year-old rape and sodomy victim was allowed to testify against her father via closed-circuit television even though she was older than the child victim witnesses considered in the famous Supreme Court case Maryland v. Craig (1990).

Courtroom Modifications for Child Witnesses is an ambitious review of the intersection of forensic and clinical psychology as well as legal policy that mental health professionals (MHPs) should consider when assisting in decisions about courtroom modifications for child witnesses. The audience is any professional who many be involved in legal cases involving child testimony. This includes legal professionals, forensic interviewers, and clinicians. The book is perhaps most practical as a set of guidelines for MHPs who may be asked to give testimony regarding a child victim.

The authors delve into a number of high-profile mass allegations cases, such as the infamous McMartin preschool case, which spanned the years between 1983 and 1990 from first accusation to final decision. This

case was remarkable because although it involved allegations of violent sexual abuse from a total of 360 preschool children against the teachers at their preschool, there were no convictions. This was because the children's claims were made after they had been interviewed in a highly suggestive manner. This case, and others like it, drew the nation's attention to issues surrounding children's testimony and to children's vulnerabilities during legal proceedings. Hall and Sales provide a number of legal and psychological insights into the failures of the McMartin prosecution.

Courtroom Modifications for Child Witnesses is roughly divided into five chapters describing courtroom modifications, the psychological research that informs them, and the legal opinion that controls them, and five chapters devoted to a description of various psychological factors that form the basis of much expert testimony —trauma, posttraumatic stress disorder, dissociative disorders, and communication limitations. The final chapter is a wrap-up concluding with a list of the myriad areas in need of more research. We resonated with this list, as each of the areas is sorely in need of empirical research.

For example, to take the most basic need, we have no idea how many children testify each year in criminal trials, what the outcomes of these cases are, how their credibility was viewed by jurors, and so forth. Basic research on the impact of various courtroom modifications on jurors' perceptions of children's credibility is also lacking. The book's authors provide a much-needed caution to MHPs to think carefully about their expertise before testifying about issues involving modifications and to provide a clear and concise account of the factors to consider before and during the process of making modification assessments.

Necessarily, because of the breadth of the book, some content areas do not receive the depth of discussion required to get a full sense of the controversial issues involved. For example, the authors list the presence of child sexual abuse accommodation syndrome (CSAAS) symptoms as a potential source for clinicians to determine sexual abuse status of child witnesses (Summit, 1983). While the authors mention that there has been some controversy about the syndrome, it should be noted that a number of the syndrome's key components proposed by Summit have been challenged on empirical grounds and that observing possible CSAAS symptoms should be neither a diagnostic tool to determine sexual abuse nor a normative guide to the disclosure process (London, Bruck, Ceci, & Shuman, 2005). However, the strengths of the book greatly outweigh the limitations, and practitioners will find a wealth of legal reasoning related to alternative means of testifying and the psychological findings that relate to them.

Much previous work on children's testimonial abilities has focused on group averages. For example, it has been reliably demonstrated that young children tend to both remember fewer relevant details about events and be more suggestible about past events. However, while averages help us to understand the behaviors of individual children, no child is exactly average. Many researchers have begun to narrow the individual differences that contribute to suggestibility; by following the guidance provided in Hall and Sales's book, MHPs may be better able to advise how courtroom modifications could improve children's testimony on a case-by-case basis.

The topic of courtroom modifications for young children is among the less-studied issues involving child testimony, but, as Hall and Sales argue, it is an area of high impact. Taking individual differences and contextual factors into account when interviewing a child witness is likely to have an influence on the amount and accuracy of information that the child is able to provide. Individual differences in children's ability to testify and jurors' reactions to such testimony are promising directions of current research about testimony.

Another strength of the book is that the authors consider the rights of both the child victim/witness and the accused, not shading their treatment to either side unduly. The most effective courtroom modifications that diminish a child's fear and anxiety tend to impinge on the defendant's rights to confront the accuser. This conflict is addressed theoretically and through the overall structure of the book. For example, Chapter 2 addresses modifications that allow for confrontation, and Chapter 3 addresses modifications that inhibit

confrontation. The authors caution that while there is more empirical support for the effectiveness of the latter techniques, MHPs should carefully consider whether modifications are necessary on an individual case basis and should be aware of the legal roadblocks that they are likely to encounter when suggesting these types of modifications.

Hall and Sales's biggest success is in making this immensely broad literature accessible and practical for those in the fields of psychology, psychiatry, and law. They have managed to weave together major components from each area and highlight practical concerns and tools for providing fair and balanced expert assessments of individual child witnesses' needs for courtroom modifications.

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