

# Legal psychological studies into child sexual abuse investigation in Indonesia

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**Legal psychological studies into child sexual abuse investigations in  
Indonesia: The role of child investigative interviewing**

Nathanael Elnadus Johanes Sumampouw

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**Legal psychological studies into child sexual abuse investigation in Indonesia:**

The role of child investigative interviewing

DISSERTATION

to obtain the degree of Doctor at Maastricht University,  
on the authority of the Rector Magnificus, Prof. Dr. Pamela Habibović  
and the degree of  
Doctor in Criminology from from the Catholic University of Leuven, Belgium,  
on the authority of the Rector Magnificus, Prof. Dr. Luc Sels,  
in accordance with the decision of the Board of Deans,  
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## TABLE OF CONTENTS

<b>Chapter 1</b>	General Introduction	8
------------------	----------------------	---

### PART I

#### **The current situation of child sexual abuse cases investigation & prosecution**

<b>Chapter 2</b>	The relevance of certain case characteristics in the successful prosecution of child sexual abuse cases in Indonesia	42
<b>Chapter 3</b>	The quality of forensic child interviewing in child sexual abuse cases in Indonesia	61
<b>Chapter 4</b>	Knowledge about eyewitness testimony: A survey of Indonesian police officers and psychologists	81
<b>Chapter 5</b>	Potential for police investigator bias: The impact of child sexual abuse victims' background characteristics on perceived statement credibility, case outcome, and quality of interview questions	99

### PART II

#### **An effort to improve current practices: Child forensic interviewing**

<b>Chapter 6</b>	NICHD interview protocol training improves Indonesian child forensic interviewers' knowledge about children's memory and interviewing skills	123
<b>Chapter 7</b>	General Discussion	145
	References	172
	Summary – Ringkasan – Samenvating	202
	Impact	210
	Dissemination	216
	Acknowledgement	219
	Curriculum Vitae	222

## CHAPTER 1

### General Introduction

This chapter is an extended and combined version of the following publications:

Sumampouw, N. (2020, June 20). *Psikologi hukum dalam penanganan kasus kekerasan seksual terhadap anak* (The legal psychology aspect of investigating child sexual abuse cases).

[www.bahasan.id/psikologi-hukum-dalam-penanganan-kasus-kekerasan-seksual-terhadap-anak/](http://www.bahasan.id/psikologi-hukum-dalam-penanganan-kasus-kekerasan-seksual-terhadap-anak/)

Sumampouw, N., & Otgaar, H. (2022). Cultural aspects in child forensic interview: An Indonesian context. Commentary paper in Hope, L. et al. (2022). Urgent issues and prospects at the intersection of culture, memory, and witness interviews: Exploring the challenges for research and practice. *Legal and Criminological Psychology*, 27 (1), 1-31, <https://doi.org/10.1111/lcrp.12202>.

Calado, B., Sumampouw, N., Otgaar, H., Luke, T. J., Landström, S., & London, K. (Under review). Suggestive questioning and allegations of a magic stone: An analysis of the Jakarta International School case from the perspective of legal psychology. *Forensic Science International: Mind & Law*

Child sexual abuse (CSA) is a significant public health problem and a violation of human rights (World Health Organization, 2017), often with serious social, psychological, and physical health consequences (Widom & Massey, 2015) and a life-long impact (Borg et al., 2014; Darray et al., 2016). CSA violates the UN Convention of the Rights of the Child (UNCRC) in protecting children from all forms of sexual exploitation and sexual abuse (article 34, UNCRC, 2004). The World Health Organization (WHO) defines CSA as “the involvement of a child and adolescent (up to the age of 18 years) in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child or adolescent is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society” (2017, p. vii). Furthermore, CSA is characterized by an activity between a child and an adult, or another older child, who by age or development is in a relationship of responsibility, trust or power. Also, this activity is aimed to gratify the needs of the perpetrator and may involve physical contact, including penetrative (e.g., oral sex) or non-penetrative acts (e.g., touching private parts). In addition, it may include non-contact activities, such as involving children in looking at or in the production of sexual images, watching sexual activities, or encouraging children to behave in sexually inappropriate ways (UNCRC, 2004).

The exact prevalence rate of CSA is difficult to obtain, but global estimations of CSA prevalence range from 4 to 18% (Pereda et al., 2009; Stoltenborgh et al., 2011). The reason for the wide range could be related to how prevalence rates are determined. For example, Stoltenborgh and colleagues (2011) showed that the rate of CSA was 30 times larger in studies that used self-report (127/1000) than in official-report inquiries (4/1000; e.g., inquiries based on data from child protection services or police). Cases concerning CSA are often underreported to legal authorities and may not be revealed due to CSA’s largely hidden nature (Borg et al., 2014; Goldman & Padayachi, 2000). The consequence is that CSA can be seen as an iceberg phenomenon, because only a small portion of CSA incidences are reported to authorities (Fergusson et al., 2000; Gilbert et al., 2009; Hard & Rutter, 2004; MacMillan et al., 2003). Thus, the number of CSA cases being reported to official authorities (e.g., police) does not represent the actual number in society.

Another problem in determining the actual prevalence of CSA is related to the difficulty in determining the accuracy of CSA allegations, because of the lack of conclusive medical or physical evidence in many cases (London et al., 2005). This problem is further exacerbated by



the lack of specificity of psychological or behavioural symptoms experienced by CSA victims (Poole & Lindsay, 1998; London et al., 2005). Kendall-Tackett and colleagues (1993) conducted a review of quantitative studies that compared symptoms of abused and non-abused children. They revealed a lack of evidence for a clear-cut symptomatic profile in sexually abused children.

### **The Criminal Prosecution of CSA Cases**

The criminal prosecution of CSA is one of the ways society can protect CSA victims from reabuse (Cross et al., 2003). However, the prosecution of CSA cases is challenging because CSA cases are often difficult to prove because of certain dynamics surrounding CSA (Myers et al., 1999; Smith et al., 2000; Walsh et al., 2010). These challenges arise because the evidence to prosecute CSA allegations is frequently limited (Bunting, 2008; Burron & Powell, 2004; Duron, 2018; Smith et al., 2000). CSA is often committed in private settings, resulting in an absence of eyewitnesses of the abuse apart from the child and the perpetrator (Walsh et al., 2010). Without available eyewitnesses and forensic technical evidence, child victims' testimonies usually provide most -if not all- of the information about the abuse (London et al., 2005; Walsh et al., 2010).

In a meta-analysis of the outcome of criminal prosecution of child (sexual) abuse cases in the US, Cross and colleagues (2003) revealed that most substantiated child abuse cases do not lead to prosecution, but the majority of prosecuted cases do result in conviction by guilty plea. Furthermore, McEwen (1995) revealed in a survey study that the majority of prosecutors, around 91%, held the idea that CSA cases, together with domestic violence cases, were a source of workload problems in their offices. These studies illustrate the complexities of the prosecution of CSA cases.

It is interesting to note that attrition in CSA cases mostly occurs in the early stages of the criminal justice process (Christensen et al., 2016; Cross et al., 2003; Fitzgerald, 2006). For example, in Sweden, only 10% of CSA reports to the police were being prosecuted (Diesen & Diesen, 2013). Based on data from police and criminal courts in New South Wales, Australia, most child sexual offences proceeded no further than the investigation stage, with only 15% of reported CSA cases being criminally prosecuted and only 8% ultimately proven in court (Fitzgerald, 2006). Christensen and colleagues (2016) observed similar results in an archival study of recorded CSA cases in another jurisdiction of Australia. Specifically, only 40% of cases

resulted in formal charges. However, Cross and colleagues' (1995) study revealed a slightly better outcome of around 60% of cases prosecuted in certain US jurisdictions. It is relevant to note that the above-mentioned studies were all conducted in Western countries. To date, no study exists concerning attrition rates of CSA cases in a non-Western country, such as Indonesia. Conducting such a study will be one of the aims of the current thesis project.

Previous studies in Western countries have identified several predictors of a successful prosecution outcome in CSA cases. In the US, cases that were successfully prosecuted included a child disclosure, a corroborating witness, a suspect confession, and an additional report against the suspect (Walsh et al., 2008). Furthermore, having at least two pieces of evidence was crucial for a case being prosecuted. They also found that cases lacking strong (objective) evidence (e.g., video recording of the abuse), but with a corroborating witness, were nearly twice as likely to result in charges being laid. In Sweden, Ernberg and colleagues (2018) found that the availability of forensic evidence and a suspect confession increased the prosecution of CSA cases involving two- to six-year old victims. A similar pattern was found in other countries, such as Ireland (Bunting, 2008) and Australia (Christensen et al., 2016). The unavailability of corroborating evidence, next to the child's allegation, oftentimes obstructs case prosecution. Furthermore, Whitcomb (1992) also noted that CSA prosecution is obstructed because of the above-mentioned factors and added that police skepticism about allegations of abuse play an additional role in the challenge of prosecuting CSA.

Below, two cases are presented to further illustrate the complexity of CSA prosecution. Both cases concern CSA allegations made in Indonesia, because the police investigation of such Indonesian cases is the main topic of my thesis. Importantly, although both cases concern CSA allegations, it will become clear that in the first case, there were reasons to doubt the credibility of the allegations, whereas this was of lesser concern in the second case.

### **Case 1: An International Teacher in Jakarta, Indonesia**

This case started in March 2014 when allegations were made public in the international media about large-scale child sexual abuse committed by William Vahey, an American teacher at the American Nicaraguan School, in Managua, the capital of Nicaragua. His colleagues found that Vahey's thumb-drive contained sexual images of children and they reported this to the authorities. Vahey committed suicide after his case was revealed (Federal Bureau of Investigation, 2014). Subsequently, the Federal Bureau of Investigation (FBI) published an

international release to seek information on Vahey as an international child exploitation case, including a list of international schools in other countries where he had worked previously. It was revealed that Vahey had served as a teacher at the Jakarta International School (JIS) from 1992 to 2002.

As a response to the publication of the Vahey case, the principal of the JIS sent a Child Protection Policy to all parents in early March 2014, informing about different types of child abuse and potential behavioural indicators of abuse (Calado et al., under review). After this, a mother of a 5-year-old child came to the JIS reporting that she was concerned about her son's changing behaviours, including episodes of enuresis, presenting jealous reactions toward his younger brother, and becoming a fussy eater. This change of behaviour led the mother to suspect that her son was a victim of abuse that took place at the JIS.

Being unsatisfied with the response of the JIS to her report, the mother filed a report to the police that her son had been sodomized in a toilet at JIS. Furthermore, the mother initiated a meeting with other parents where she informed other parents that her son was abused and that this was proven by medical evidence. Another mother claimed during this meeting that her child had also been sexually abused. Both mothers encouraged parents to question their children at home. Lastly, another parent also suspected his child was a victim. These three parents reported to the police that their children had been sexually abused at the JIS by school janitors.

Later on, the parents also reported that two teachers were involved: Bantleman, a Canadian teacher, and Tjong, an Indonesian teaching assistant. The content of the children's allegations changed dramatically over the course of this case. At the beginning of the investigation, the alleged victims repeatedly and ostensibly denied the abuse occurring at their school, or elsewhere. Then, mothers, other relatives, child psychologists, medical staff and the police repeatedly interviewed the children. When they came to disclose the alleged abuse, the children described the abuse in bizarre terms, such as being abused in a freely accessible room with glass walls and being sodomized with a magic stone with a numbing effect, causing the children to not show any signs or symptoms after the incident (*Bantleman vs. Indonesia*, 2015).

With no corroborative evidence and only relying on the children's statements, the District Court of Jakarta convicted the two teachers and also six outsourced janitors to prison sentences

ranging between 7 and 11 years.<sup>1</sup> One janitor died in police custody during the police investigation.

### **Case 2: A Part-time Teacher in Tangerang, Indonesia**

On December 2, 2017, a group of parents in the District of Tangerang near Jakarta, filed a report of child sexual abuse to the police. Almost three weeks after the report, the police arrested Wawan Sutiati (WS), alias Babeh, a 49-year old part-time elementary school teacher. Police investigators from the Children and Women's Investigation Unit of Tangerang District identified 41 boys between 6 and 15 years of age from low-income families as the victims of sodomy that allegedly occurred from April 2017 until December 2017 (The Indonesian National Commission on Child Protection, 2018). One child spontaneously told his parent that he decided not to play at the WS' house any longer, because the perpetrator did something sexually bad to him and to his friend. Having heard this, the parent brought the child to a community leader and with the leader's assistance the case was reported to the nearest police station.

During the interview with police, the suspect declared that the abuse occurred in his temporary shelter where he lives alone because his wife works abroad as a migrant worker (Cipta, 2018). Based on the suspect's statements, the children frequently came to his shelter to learn some mystic rituals from him as a traditional healer. He insisted that the children consented to being sexually abused in order to gain the mystical power. According to the victims, he promised them extra mystical power that would enable them to be stronger and braver. After the police revealed the case to the public, within a month, the number of alleged victims increased to 40.

Interestingly, WS had already been reported to the police a few months before this case surfaced. This happened when he lived in another village within the same sub-district (personal communication with the head of the Crime Investigation Unit of Tangerang District, January 26, 2018). He moved to his new shelter after he heard that some children reported him to the police. However, the police could not find him. One of the main reasons for not finding him were the incomplete statements of the children (personal communication with the head of the Crime Investigation Unit of Tangerang District, January 26, 2018). Furthermore, the police observed a lack of technical evidence to prosecute the case at that time. The police also noticed that the

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<sup>1</sup> Later in July 2019, the President of the Republic of Indonesia granted clemency to Bantleman, the international teacher.

children in the first case were reluctant to disclose any abuse, leading to withdrawal of this case. Because many victims in the subsequent case did report to the police, the police started to interview the children who reported more forensically relevant details (e.g., the perpetrator's grooming strategy). Considering the high number of victims in this case, the Indonesian National Commission on Child Protection suggested that the perpetrator be chemically castrated (KPAI, 2018). WS was ultimately sentenced to 15 years imprisonment by the District Court (Jurnal Tangerang, 2018).

### **The Relevance of the Two Presented Cases to the Present Thesis**

Based on an analysis of the police interview reports and access to translated interview transcripts in the first case, Calado and colleagues (under review) argued that the children in this case were likely interviewed using highly suggestive techniques. Single case studies and empirical research have shown that such techniques can lead to false statements in children (e.g., Ceci & Bruck, 1993; Otgaar et al., 2019). Compared to the first case, Case 2 started with a spontaneous statement from a victim to his parents. Based on the child's report, the parents disclosed their child's experience to a local community leader. The child also reported that other children experienced similar abuse by the suspect. Later on, by applying an evidence-based interview protocol that had been introduced as part of this PhD project, the police investigators working in the investigation of this case obtained many forensically relevant details to prosecute the case. Spontaneous statements from children as victims and the application of an evidence-based child forensic interview protocol are crucial, because they result in more reliable statements (Brown et al., 2008; Brown & Lamb, 2015).

In the two described cases, the children's statements concerning the abuse allegations were critical, given the unavailability of technical evidence. The first case shows how a crime investigation can go wrong because of children's invalid statements based on suggestive questioning and pressure by parents and police. The second case demonstrates the importance of spontaneous statements of children, but also, the possibility of an undetected CSA case because of limited information obtained from the children at first instance.

The success of a CSA crime investigation, specifically in terms of a high versus low rate of attrition before prosecution, is affected by factors outside and inside the control of justice system authorities (Christensen et al., 2014). The children's disclosure or recantation of their allegation is affected by the victims' fear of being disbelieved or blamed, and by offenders'

threats and bribes. These are external factors beyond law enforcement's control. In contrast, internal factors are within the control of the justice system and refer to the procedures and techniques used in investigating CSA cases.

### **External Factors of a CSA Crime Investigation: Focus on Children's Disclosure**

As previously explained, children's disclosure is one of the most important factors contributing to a successful prosecution outcome in CSA investigations (Lippert et al., 2010; Walsh et al., 2010). It typically serves as the main form of evidence to establish whether CSA has occurred (London et al., 2005). However, disclosure of child sexual abuse is complicated, often delayed, and has implications for the recovery process of the victim (Fontes & Plummer, 2010; London et al., 2005, 2008; Lyon, 2009; McElvaney, 2015). Continuing debate exists on how and when children talk about sexual abuse experiences (e.g., London et al., 2020; Lyon et al., 2020). Part of this debate stems from the so-called Child Sexual Abuse Accommodation Syndrome (Summitt, 1983) that assumes -amongst others- that child victims will frequently deny being abused.

In fact, London and colleagues (2008) revealed in their review paper, based on retrospective studies, that most adults reported delayed disclosure or nondisclosure of the abuse to anyone during childhood (London et al., 2008). Specifically, the estimate of the frequency of childhood disclosure ranged from 31% to 45%. In addition, London and colleagues (2008) also revealed the low frequency of reports to the authorities during childhood, ranging from 5% to 13%. They noted that a sizable minority of retrospective studies' participants reported the abuse for the first and only time during the survey, ranging from 10% to 46%. Furthermore, based on the childhood studies in which children were under investigation by authorities, such as in a formal interview setting, the rate of disclosure ranged from 24% to 96% (London et al., 2008). It is noteworthy that between 74-93% of children who made prior disclosures maintained the allegation when interviewed by authorities. Moreover, the recantation rate was relatively low, ranging between 4% to 27%. Therefore, London and colleagues (2008) concluded that among valid abuse cases in which the children were interviewed, denial and recantation are uncommon strategies of children to cope with trauma.

Previous studies revealed several factors contributing to non-disclosure, such as feelings of shame, embarrassment, responsibility or blame, implicit or explicit pressure for secrecy or fear of negative consequences (Fontes & Plummer, 2010; London et al., 2005). Specifically, children

might perceive abusive experiences as an embarrassing and shameful topic to discuss and subsequently report (Cronch et al., 2006; Tyler, 2002; Winters et al., 2020). Furthermore, reporting CSA to authorities is sometimes perceived as a harmful decision, because of shame and the need to save face (Bunting, 2008; Christensen et al., 2016; Xie et al., 2017). This dynamic may be even more salient in a non-Western, collectivistic culture than in a Western, individualistic culture (Xie et al., 2017).

It is clear that the ideal procedure for a successful CSA investigation is when children who are victims of CSA accurately disclose the abuse and are not subjected to suggestive questioning by others (e.g., parents). Fontes and Plummer (2010) argued that there are three possible routes to a CSA revelation: a direct disclosure, an observation of suspicious child behaviour, and the results of a medical examination, such as genital injury, a sexually transmitted disease or even pregnancy. The most frequent manner in which victims reveal CSA is by direct disclosure to an adult, to seek protection or help. Another route of CSA revelation is when an adult observes a glimpse of an odd or inappropriate action that raises suspicion. For example, children may give indirect hints to significant adults (e.g., *"I hate my sports coach"* or *"I don't want to see Uncle Ben anymore"*). Additionally, parents may notice something, for example, blood or other suspicious stains on the child's underwear, or they may find suspicious written expressions in the child's diary or notebook. The adult's suspicion could also arise because children show signs of physical trauma (e.g., difficulty walking), unexplained somatic complaints (e.g., repeated headaches or stomach aches). However, those reasons for suspicion are not specific signs of CSA (Bruck et al., 2006; London et al., 2008; McGuire & London, 2017).

In a case when there is no spontaneous disclosure by the child, the investigation usually starts on the basis of behavioural indicators in the child observed by significant others, such as parents. Previous research has revealed that the most likely way to detect CSA is by observing a child's behaviour, such as children's withdrawal behaviour and children crying a lot (Fontes, Cruz, & Tabachnik, 2001). However, such indicators are problematic. Over the years, many professionals who work with children in different settings have come to falsely believe that certain behavioural indicators (e.g., sexualized behaviour) are associated with being a victim of CSA. However, most children who are sexually abused are actually behaviourally asymptomatic (Bruck et al., 2006). Between 20% to 50% (Kendall-Tackett et al., 1993) or even more than half

(Friedrich, 2005) of CSA victims might be asymptomatic and do not demonstrate sexualized behaviour problems. Relying on (sexual) behavioural indicators is dangerous because of the lack of specificity in diagnosing CSA. That is, many non-abused children share similar behavioural characteristics (Friedrich et al., 2001, 2005). Therefore, professionals investigating CSA cases should never determine the presence of abuse solely on behavioural indicators.

In addition, forensic-medical findings that are considered as objective evidence (Ernberg et al., 2018; Magnusson et al., 2018) are also often inconclusive, because many non-abused children show similar findings (London et al., 2007). In some cases, medical findings are simply not available because CSA does not always leave physical evidence, such as in cases of fondling. Furthermore, in sexual abuse cases, the physical traces might disappear quickly (Kelly et al., 2005).

### **Children's Statements: The Importance of Validity**

The investigation of CSA cases is challenging because judgements about the veracity of a CSA allegation can have a major impact on the lives of all individuals involved. Both false positive and false negative judgements can have serious consequences (London & Ceci, 2012). A false positive judgement error negatively affects innocent defendants who may unjustly lose their liberty (Bensussan, 2011; Ceci & Bruck, 1995; London & Ceci, 2012; Schreiber et al., 2006). False negative errors, when true CSA allegations are judged as unsubstantiated, can also create severe negative consequences because this decision may result in the perpetrator continuing to abuse children (Lyon, 2007).

Thus, in CSA cases, it is important to establish the validity of children's testimonies. When a statement is valid, this implies that what the child reports is in line with what was experienced. One way to invite valid statements from children is by making sure children are interviewed according to science-based principles. This thesis mainly focuses on the internal factors that impact the criminal investigation of CSA cases, specifically factors related to child forensic interviewing. Rohrabough and colleagues (2016) argued that a child forensic interview aims to increase valid prosecutions.



## **The Child Forensic Interview**

Child (sexual) abuse investigations often start with an investigative interview of the child that subsequently provides direction to the investigation (Newlin et al., 2015). Child forensic interviews aim to explore what really happened (Laney & Loftus, 2016). Therefore, in the effort to obtain accurate statements from the child, law enforcement officers must understand and critically address the delicate issues surrounding forensic interview sessions with alleged victims of CSA.

A child forensic interview is defined as a developmentally sensitive and legally sound method of gathering factual information regarding allegations of abuse or exposure to violence (Newlin et al., 2015). In this thesis, it refers to child forensic interviewing of children who are alleged victims of CSA. During a comprehensive criminal investigation, a child forensic interview plays a critical role for multiple stakeholders, such as law enforcement officers, child protection workers, prosecutors, attorneys, victim advocates, medical and mental health practitioners (Newlin et al., 2015). These professionals may benefit from the information obtained during the interview, although not all may directly participate in or observe the interview (Jones et al., 2005). Furthermore, it is important to note that child forensic interviews need to be conducted by a competently trained professional who uses research-informed techniques, because suggestive interviewing techniques should be avoided at all costs in child investigative interviews (Newlin et al., 2015).

The overarching goal of the child forensic interview is seeking the truth: to uncover whether abuse occurred or not, and if it occurred, who committed the abuse and how (Rohrbaugh et al., 2016). Its ultimate goal is to elicit high-quality and accurate information from alleged victims (La Rooy et al., 2015), to obtain facts (CCAN, 2000), as a lead for an investigation (Hope, 2019). Furthermore, research-based practices of child forensic interviewing contribute to the pursuit of justice for all concerned. Melinder and colleagues (2021) argued that child forensic interviewing forms a significant part of children's rights. Therefore, the interviewing approach should be child-appropriate. A child-appropriate interview (Melinder et al., 2021) includes a focus on flexibility, rapport building, repeated interviewing and breaks, and the use of non-suggestive communication aids to facilitate the reports of younger and vulnerable children.

## **A Brief History of Child Forensic Interviewing**

The child forensic interview received a great deal of attention in the 1980s and 1990s in response to several high-profile child sexual abuse cases in the US (Brown & Lamb, 2018; Faller, 2020; Laney & Loftus, 2016). In the early 1980s, a number of pre-school teachers were falsely accused of CSA in what became known as the day-care abuse cases. At the same time (1980s -1990s), accusations of CSA cases that involved satanic ritual abuse were raised (Goodman et al., 1997; Jonker & Jonker-Bakker, 1991).

One of the most prominent day-care abuse cases is the McMartin Preschool case, which involved the accusation of satanic ritual abuse. The case started when a mother reported that her child had been sexually abused. Follow-up suggestive interviews with hundreds of children from the day-care center produced bizarre and horrific allegations of ritualized sexual abuse. Although there was no physical evidence, six teachers from the preschool were brought to trial. As a consequence of the McMartin Preschool investigation, professionals started to focus attention on interviewing methods and strategies (Faller, 2020).

Faller (2015, 2020) explained that in the US around the early 1980s, the first forensic interviewers were clinicians with a mental health care background. They were not certified investigators of CSA. In their practices, they relied on their clinical-professional training and their intuition (Faller, 2020). Furthermore, it has been demonstrated that many untrained interviewers hold particular beliefs about children and trauma (Everson, 2015). First, mental health professionals believe that both the experience of CSA and the disclosure process are highly traumatizing for most victims. Hence and second, psychological support and encouragement are deemed required for most child victims, especially for those who are reluctant to disclose. Third, in order to help the disclosure process, interviewers should use techniques, such as dolls and drawings to aid children (Ceci & Bruck, 1995; Poole & Bruck, 2012). Because the focus of those past interviews was to obtain a disclosure, Everson (2015) labelled the interviews with alleged victims of CSA during the 1980s and 90s as ‘disclosure interviews’. Clinicians had flexibility in conducting the interviews to ensure no victims were left undetected and, thus, unprotected.

By the mid-1990s, the clinical interview paradigm, with its underlying assumptions and the methodology applied in investigating CSA allegations, was widely discredited (Faller, 2020; Lamb et al., 2018; Laney & Loftus, 2016). The availability of new research on children’s

memory and suggestibility, in addition to some high profile cases (e.g., McMartin Preschool case), contributed to this change. The paradigm shift from clinical to forensic interviewing was recognized as a first step in the development of the field of child forensic interviewing (Everson, 2015). According to Everson (2015), the forensic interview paradigm emphasizes implementation of research-based practices and the prevention of false positive errors. Importantly, there exist critical differences between forensic and clinical interviewing, perhaps the most important difference being that the goal of forensic interviews is fact finding (CCAN, 2000; see also Table 1.1).

**Table 1.1. The difference between forensic and clinical interviews (CCAN, 2000).**

	Forensic interview	Clinical interview
Goal	To obtain information as reliable and accurate as possible	To assess and provide treatment of symptoms
Focus	Fact-finding – accurate recollection of events important	Therapeutic – Attributions and perceptions of events important
Interviewer's quality	Objectivity, neutrality, avoidance of bias	Empathy, therapeutic alliance, support of client
Client	Court is the client	Child is the client
Consent	Consent to obtain outside information and disclose information is obtained and understood prior to proceeding with the interview	Consent required to seek external verification of information and to provide information to outside sources
Strategy	Interviews are formal and restrictive	Interviewing strategies are variable
Confidentiality	Restricted confidentiality	Traditional confidentiality
Competency	Competency of interviewees questioned	Competency of client not the primary concern
Documentation	Recorded	Private

When a child forensic interview is conducted well, children are able to retrieve accurate episodic memories. Hence, the goal of the child forensic interview is to mine the interviewee's memory (Yarbrough, et al., 2013). Thus, it is crucial to understand how children's memory works as a theoretical foundation for the child forensic interview.

### **Children's Memory**

An important consideration is that memory is reconstructive and not reproductive (Schacter, 1996; Yarbrough et al., 2013). People do not store an exact replica of past experiences in memory. Instead, individuals encode and store important and relevant information and then reconstruct the memory, when retrieving the experience (Yarbrough et al., 2013). However, this memory process (encoding – storage – retrieval) is imperfect and prone to error (Hervé et al., 2007; Schacter, 2001). Individuals simply are not able to be highly attentive to all behaviours present during, for example, a crime. Hence, our memory is fallible because in the process of encoding, storage and reconstruction, errors might slip in (Schacter, 2001).

What do we know about what children remember about traumatic experiences? Scientific case studies are studies in which children's statements of traumatic experiences (e.g., abuse) could be compared with objective evidence (Bidrose & Goodman, 2000). This work has shown that although children's statements are often incomplete, what they do remember is highly accurate. For example, Bidrose and Goodman (2000) compared young girls' allegations of assault with audio recordings and found that there was support for about 80% of the allegations. This indicates that even highly stressful events can be accurately retrieved by children.

Other research has also shown that children are able to accurately remember traumatic experiences. First, findings from laboratory research of children's emotional memories that relied on negative word lists and stories (e.g., Goodman et al., 2002), and videotaped or staged events where children indirectly experience stressful incidents (e.g., Poole & White, 1991), revealed that children better remember emotional compared to neutral material (Paz-Alonso et al., 2013). Moreover, these emotional memories are often highly accurate.

In another line of research (i.e., field research), Bahrack and colleagues (1998) examined the memories of 3- to 4-year old children who had experienced a natural disaster. They showed that children who had experienced moderate to high levels of stress recalled more than the low level stress group, as determined by a scale designed to objectify the level of disaster exposure.

Research from field research also suggests that children are quite able to retain detailed memories of highly salient personal experiences (Bahrick et al., 1998; Terr et al., 1996), even over long periods of time (e.g., six years; Fivush et al., 2004). These memories remain vivid, even into adulthood (e.g., Berntsen & Rubin, 2006), except when children are too young (for example, 1 or 2 years old; Paz-Alonso et al., 2013; see also Goldfarb et al., 2020).

However, it is relevant to note that children's traumatic memories are not immune to inaccuracies despite high personal involvement and strong emotion experienced during the event. Specifically, children might err when they receive suggestive questions leading to false reports and/or false memories. False memories refer to memories of non-experienced events (Laney & Loftus, 2016; Otgaar, 2011).

Children's suggestibility is an important factor that might influence the validity of children's reporting. Ceci and Bruck (1993) stated that children's suggestibility refers to the degree to which children's encoding, storage, retrieval and reporting of events can be influenced by a range of social and psychological factors. A large body of research has demonstrated that younger children are more susceptible to suggestion and false memories than older children and adults (e.g., Ceci & Bruck, 1993; Ceci et al., 1987).

There is a clear developmental trend that older children tend to produce lower levels of omission errors and have more-detailed, complete and consistent reports of emotional and stressful events than younger children (Ghetti et al., 2002). However, this does not mean that younger children are less reliable because some studies have shown that younger children are actually least likely to spontaneously form memory errors (Brainerd et al., 2008; Otgaar et al., 2018). Whatever the developmental trend, it is clear that legal cases and research have shown that children can be induced to falsely report being abused when exposed to suggestive interviewing techniques. Hence, it is essential that alleged child victims are properly interviewed using research-based practices.

### **The Importance of a Research Based Interview Protocol**

The availability of structured interview protocols was recognized as the second step of the child forensic interview's development, after the paradigm shift from clinical to forensic interviews (Everson, 2015). The development of (semi)structured interview protocols emerged as a result of dissatisfaction with the performance of interviewers who conducted inefficient interview

sessions that resulted in low quality of information. Davies and colleagues (2016) noted that one of the common errors of forensic interviewers is that they use few open questions and too many closed questions, resort to suggestive and multifaceted questions, and employ inappropriate concepts and vocabularies for the child's age and developmental level. These practices exist because of a lack of guidelines. As a result, (semi)structured interview protocols have been designed to translate research-based recommendations into operational guidelines (Lamb et al., 2018; Orbach et al., 2000).

During the past decades, different structured interview protocols have been developed. Faller (2015) noted several (subtle) differences between these protocols in the structure of the interviews, such as fully scripted (e.g., Ten step Investigative interview), semi-structured (e.g., RATAC), and flexible ones (e.g., APSAC; see Table 1.2).

**Table 1.2. Some child forensic interview guidelines (Faller, 2015).**

Protocol/ Guidelines	Special features	Steps
The American Professional Society on the Abuse of Children (APSAC)- USA (1990, 1997)	Aimed at mental health professionals, encompassed both forensic and non-forensic interview, and allowed a lot of flexibility The interview should not be a single session, use media including anatomical dolls, and consider multiple hypotheses	The guidelines state that it is not necessary to have a written protocol but advises starting with (1) Ground rules (2) Exploring positive and neutral topics (3) Asking about the abuse using open-ended questions
Memorandum of Good Practices – UK (1992, 2002, 2011)	Served as a guide for law enforcement, advice not to interrupt children's narrative as interviewers prone to seek clarification, repeating the child's disclosure using the child's own words	(1) Rapport building (including the ground rules) (2) Free narrative (3) Gathering details (4) Final phase
The Corner House Forensic Interview Protocol – RATAC - US (2002)	<i>RATAC</i> stands for: (1) Rapport; (2) Anatomy identification; (3) Touch Inquiry; (4) Abuse scenario; and (5) Closure. This is a semi-structured protocol	(1) Build rapport (2) Seek information (3) Explore statement (4) End respectfully
The NICHD interview protocol (2007)	The most researched protocol: laboratory and field research. This protocol provides a scripted interview guidelines with a flexibility in its	(1) Introduction: describe interviewer's role & provides ground rules

application depending on the child responses, readiness and willingness to talk

- (2) Rapport-building
- (3) Training in episodic memory
- (4) Transition to substantive phase
- (5) Investigating the alleged incidents
- (6) Break
- (7) Eliciting information that has not been mentioned
- (8) If the child fails to mention information, using focused questions to elicit a disclosure or additional information
- (9) Information about disclosure
- (10) Closing
- (11) Neutral topic

The Revised NICHD interview protocol (2018)

The importance of rapport building, extended rapport building, the importance of support for disclosure

Changes the order of ground rules and rapport, placing the rapport before providing the ground rules.

The 10 steps investigative interview protocol (2005)

Labelled as an adaptation of the NICHD protocol, much more succinct, only two pages compared to 13 pages of the NICHD interview protocol

- (1) Don't know instruction
- (2) Don't understand instruction
- (3) You're wrong instruction
- (4) Ignorant interviewer instruction
- (5) Promise to tell the truth
- (6) Practice narratives
- (7) Allegation
- (8) Allegation follow up
- (9) Follow up with Tell me more and what happened next questions
- (10) Multiple incidents

RADAR - Recognizing Abuse Disclosure types & Responding. (2014)

Adapted in part from the NICHD protocol. Different interview instructions based upon the child's age. This protocol has other elements not found in other interview structures: opportunity to ask interviewer at the end of rapport building phase and barrier assessment after the ground rules by asking the feeling of the child about talking to the interviewer.

Similar with the revised NICHD protocol placing the rapport building before the ground rules.

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The most important and common features of these interview protocols are rapport building, ground rules, narrative practices, effective utterances, and open-ended free recall questions. In the next section, each of these features will be discussed in more detail.

**Rapport Building.** The importance of rapport has been acknowledged in the context of investigative interviewing, including the child forensic interview (Bull & Milne, 2004; Fisher & Geiselman, 1992; Powell et al., 2005; Vanderhallen & Vervaeke, 2014). Rapport originates from the Latin word *portare*, which means ‘to carry’ (Milne & Bull, 1999). Tickle–Degnen and Rosenthal (1990) stated that rapport constitutes of three inter-related elements that are shown via verbal and non-verbal behaviours. The first one is mutual attentiveness, which refers to a cohesiveness of shared interest and focus. The second element involves reflecting feelings of mutual friendliness and caring, and the third element is coordination, which concerns the balance and harmony between the participants. Building rapport is an essential ingredient for a successful interview that helps conversation to flow more freely (Shawyer et al., 2009; Vanderhallen & Vervaeke, 2014).

In the context of interviews with alleged victims, rapport can make it easier for victims to provide information. Previous studies have supported the facilitating role of rapport: when good rapport has been established the witness becomes less reluctant to talk (Ahern et al., 2014) and provides more information (Ahern et al., 2019; Blasblag et al., 2018). Collins and colleagues (2002) examined the effect of rapport on the quantity and quality of information by comparing three conditions: the rapport mode, the neutral mode and the abrupt mode. They showed that participants in the rapport mode were more cooperative and provided more accurate information than participants in the neutral and abrupt modes. In another study, Vallano and Compo (2011) revealed that interviews in which rapport had been established, led to better quality and quantity of the information in response to open-ended questions (but see Sauerland et al., 2018). Indeed, when there is no rapport, investigators and witnesses tend to be reluctant to engage in social bonding during the interview (Holmberg, 2009).

Rapport manifests in an interviewer’s humanitarian interviewing style that is demonstrated by friendliness, empathy and engagement (Holmberg, 2004). Almerigogna, Ost, Bull, and Akehurst (2007) found that a non-supportive interviewing style (e.g., shown by closed body posture, avoiding smiles and eye contact) increased the likelihood of children providing incorrect answers to misleading questions compared to a supportive interviewing style. These studies revealed that failure to establish rapport leads witnesses to provide a greater amount of misinformation. This finding highlights the importance of a supportive interviewing style.



Smith and Milne (2017) stated that rapport building starts at the first point of contact and should be maintained throughout the interview. Vulnerable witnesses (e.g., young children, children with learning disabilities) might need an elaborate rapport building phase.

**Ground Rules.** An explanation of ground rules is crucial in the beginning of a child forensic interview. During an interview, children tend to have certain expectations regarding their role and how to interact with the interviewer, based on socialization processes and previous interactions with adults (Lamb & Brown, 2006; Nelson & Fivush, 2004). These expectations and assumptions held by children might undermine their responsiveness and accuracy. From an early age, children possess an idea that a good story might be more valued by their parents or adults than an accurate one (Fivush, 2011). Previous studies have revealed that eliciting promises to tell the truth increases children's willingness to disclose transgressions (Talwar et al., 2004) and decreases the likelihood of coached false reports (Lyon et al., 2008). Therefore, a ground rule that highlights the importance of telling the truth and reporting only personally experienced events may serve to help children disclose actually experienced events (Lamb et al., 2018).

Next to a ground rule of telling the truth, it is important to explain the ground rule of "*I don't know*" as an acceptable answer. Children are unlikely to understand that "*I don't know*" is a valued response (Scoboria & Fisico, 2013). This happens because children are often encouraged or even pressured to answer challenging questions, such as in a school setting (Lamb et al., 2018). Interviewers should also encourage children to express if they do not understand the interviewer's requests or questions. The rules of "*I don't know*" and "*I don't understand*" may serve to reassure children. Finally, interviewers should explicitly instruct children to correct the interviewer during an interview because the interviewer might make mistakes, such as incorrectly paraphrasing statements or using misleading prompts (Lamb et al., 2000). Subsequently, children are encouraged to tell the interviewer what is correct. An explicit instruction to correct the interviewer during an interview might increase the likelihood that children will apply this rule (Lamb et al., 2018).

**Narrative or Episodic Memory Training Phase.** A substantial number of laboratory-based studies (e.g., Brown et al., 2013; Brubacher et al., 2011) and field studies (e.g. Anderson et al., 2014; Hershkowitz et al., 1998) have indicated that practicing recalling a past, neutral event in response to open-ended prompts enables children to be more responsive later on during the critical phase (i.e., substantive phase) of the interview. This practice provides children

opportunities to retrieve and report detailed episodic information, foster familiarity to the types of prompts used in the substantive interview phase and promote awareness of the expected level of detail (Brubacher et al., 2011; Roberts et al., 2011). Furthermore, it is also recommended for interviewers to elicit episodic accounts of an entire event (e.g., *“Tell me everything that happened; start from the beginning to the end”*). These episodic memory practices promote and prepare the way for episodic recall during the substantive phase. Brubacher and colleagues (2011) have shown that trained children maintain this episodic style of remembering and reporting later on during the substantive phase.

**Types of Interview Questions.** Brown and Lamb (2019) highlighted that one key discovery in the many studies on children’s statements in response to interview questions is the realization that the way in which children are questioned greatly influences what they report about their experiences. This knowledge is supported by laboratory studies as well as field studies. It refers to a way of questioning that facilitates child-directed retrieval processes (Brown et al., 2013, 2018; Saywitz & Camparo, 2014) and awareness of the vulnerability that emerges because of suggestive influences (Klemfuss & Olaguez, 2018).

Faller (2020) observed that in the early days of forensic child interviewing, ‘wh-questions’ (e.g., *“Who did this? What did the person do? When did this happen?”*) were the most preferred by experts, because the answers to those questions were deemed central to the police investigation (Carnes et al., 2001). However, at present, most interview protocols recommend invitational probes over ‘wh-‘questions. Research has demonstrated that open-ended invitation prompts (e.g., *“Tell me everything about that”*) encourage episodic, free recall-based memory processes. These open prompts elicit higher quality information from children: richer (Brown et al., 2013; Lamb et al., 2003), more coherent (Feltis et al., 2010) and more accurate (Brown et al., 2013; Orbach & Pipe, 2011), in comparison to closed-ended questions, including ‘wh-questions’. Moreover, open prompt questions affect children’s disclosures (Wyman et al., 2017). This type of question results in longer, more forthcoming and more detailed disclosures from children.

Closed-ended questions encourage recognition-based memory processes. It could even be posed as a yes/no question (e.g., *“Did you know the person?”*), or as a multiple-choice format (e.g., *“Did he touch you one time, two times, or more than two times?”*). Instead of using closed-ended questions, it is more effective to use so-called cued invitations (e.g., *“You mentioned before that you met this guy before, tell me more about this guy”*), to elicit new and accurate

details from the children by stimulating free recall (Brown et al., 2013). These cued invitations encourage children to elaborate on statements or details that they have told before.

Furthermore, Hershkowitz and colleagues (2012) revealed that although younger children (e.g., 3 to 4 years of age) are able to report useful information in response to broad open-ended invitation prompts, they are more responsive to specific recall prompts (e.g., *What did this guy look like?*). It means that younger children are more reliant on structured and concrete retrieval cues when interviewers would like them to focus on certain aspects (Korkman et al., 2006; Melinder & Gilstrap, 2009). However, Hershkowitz and colleagues (2012) noted that this effect on younger children becomes less apparent around 5 to 6 years of age.

Previous studies have consistently revealed that leading and misleading questions, posed as yes/no, multiple choice or tag questions (e.g., *You told her to stop, didn't you?*) could adversely affect children's accuracy (Brown & Lamb, 2018). Specifically, Brown and colleagues (2013) showed that children were much less accurate in responding to a series of leading and misleading questions, especially towards the end of the interview. Moreover, asking very specific questions (e.g., *"Did he touch you?"*) to young children (under 6 years of age) may result in acquiescence response bias as tendency to provide "Yes" answer to the option-posing question (Fivush & Vasudeva, 2002) or a reluctance to provide "I don't know" responses in the absence of knowledge. In addition, Waterman and colleagues (2000, 2001) revealed the tendency of children (5 to 9 years of age) to provide answers to unanswerable or impossible questions that were formulated as yes/no questions rather than *wh-* questions.

Effective questioning is an important indicator of an interviewer's ability to elicit information that children are willing and able to reveal. It is clear that the type of questions asked determine whether they enhance or degrade the validity of children's reports (Poole & Lamb, 1998; Saywitz & Lyon, 2002). Overall, children's accounts elicited by open-ended questions that tap recall memory are more elaborate, accurate, compared to accounts reported after more specific questioning that taps into recognition memory.

**The Use of Props.** Previous studies have explored the effect of using props, such as anatomically correct dolls (Bruck et al., 1995; Goodman et al., 1997) and (human figure) drawings (Aldridge et al., 2004; Poole et al., 2012; Rivard & Compo, 2017), to facilitate more complete and accurate recall. Some practitioners support the idea of using such tools to help children overcome retrieval, linguistic and motivational problems, for example, by pointing,

showing or drawing (Lamb et al., 2018). However, other experts have highlighted that these props could be suggestive (Ceci & Bruck, 1995; Otgaar et al., 2012; Poole & Bruck, 2012). That is, the use of props when interviewing young children (5 years of age or younger) might increase the amount of information obtained, but also the amount of erroneous information, specifically when dolls and toys resemble the items involved in the event (Salmon, 2001).

The American Professional Society on the Abuse of Children (APSAC) discourages the use of props, such as anatomically detailed dolls or drawings, unless and until the use of open-ended questioning techniques has been exhausted (APSAC Taskforce, 2012). Furthermore, the APSAC encourages interviewers to offer and allow children, who are reluctant to disclose, to draw a picture or write down an explanation of what happened. If such props are used, the APSAC suggests that interviewers should use open-ended follow-up questioning in order to explore and try to elicit clarification and additional details.

Professional organisations have published formal guidelines for evidence-based best practices in child forensic interviewing (e.g., APSAC, 2012; Lamb et al., 2018; La Rooy et al., 2015). Lamb and colleagues (2018) identified three main principles reflected in these guidelines. First, children should be interviewed as soon as possible after the alleged abuse happened. Second, interviewers should exhaustively use open-ended, free-recall prompts before introducing focused-recall questions, such as cued invitations that request specific information about a previously disclosed detail (e.g., “*When did it happen?*”). Lastly, the use of recognition prompts (e.g., “*Did he touch you?*”) should be used only when needed to elicit undisclosed but forensically relevant information. In this PhD project, I focused on the applicability of the NICHD interview protocol in an Indonesian context. One of the chief reasons for this choice is that the NICHD interview protocol has the most empirical support and it is applied in different countries across the globe (Lamb et al., 2018; La Rooy et al., 2015).

### **The NICHD (National Institute of Child Health and Human Development) Protocol**

The NICHD interview protocol was developed through intensive efforts of scientists at the US National Institutes of Health in the 1990s and it has been the subject of intensive evaluation and research since then (for summaries, see Lamb et al., 2007, 2018). The NICHD protocol applies scientific knowledge of developmentally appropriate capabilities and creates conditions for maximizing the likelihood of accurate statements regarding experiences of abuse (La Rooy et al., 2015), while minimizing the reporting of incorrect information. The protocol provides

interviewers with a clear structure, guides them through each phase of the interview and helps them avoid poor questioning strategies that might lead to contamination or memory distortions (Lamb et al., 2007; Table 1.3).

**Table 1.3 Types of interviewer prompts/utterances.**

Types	Definitions	Examples
Invitations	Questions or statements that prompt free-recall responses	<i>"Tell me everything you can remember"</i>
Cued- invitations	Questions or statements that utilize details disclosed by the child as cues to prompt free-recall responses	<i>"You told me before that you and he did something stupid. Tell me about that something stupid"</i>
Directive questions	Recall-based prompts that refocus the child's attention on disclosed allegation-related detail(s) and often use "Wh-" questions to request information within a particular category (e.g., time, place)	<i>"Where did it happen?"</i> <i>"When did this happen?"</i>
Option- posing questions	Focused-recognition prompts that introduce undisclosed, interviewer-generated, allegation-related content(s) and request the interviewee to select among given options, using a yes/no or choice questions, but do not imply that a particular response is expected	<i>"Did anyone see what happened?"</i> <i>"Did he touch you under or over clothes?"</i>
Suggestive questions	Statements or questions that introduce undisclosed, interviewer-generated, allegation-related content(s) and imply the expected response	<i>"He pushed you, didn't he?"</i> <i>"Did you fight when he started to touch you?"</i> [the child did not mention being touched before]

*Note.* From Lamb et al. (2018).

Recent findings on CSA forensic interviews showed that the use of the NICHD protocol increases the likelihood that child victims make allegations of abuse, including cases of intra-familial abuse (Ahern et al., 2014; Hershkowitz et al., 2014; La Rooy et al., 2015). Field studies in a number of countries have shown that the use of the protocol provides three to four times more details of substantiated incidents of abuse than standard interview techniques (Lamb et al., 2007). Still, evidence-based interview guidelines, such as the NICHD interview protocol, alone are not enough to guarantee improved interviewing practice. Research has shown that interviewers require a substantial degree of training and regular feedback about the quality of their interviews to maintain their adherence to the protocol (Cyr et al., 2012; La Rooy et al., 2015). Training and feedback sessions should be intensive and last for 5 to 10 days in total, spread over time (La Rooy et al., 2015).

**The Revised NICHD Protocol.** The NICHD interview protocol was revised to address the socio-emotional context of the interview (Lamb et al., 2018) and to provide more support to children who are reluctant to talk, by expanding the rapport building phase. Previous field research (Brown et al., 2013; Hershkowitz, 1999) showed that rapport is best built when children are invited to share meaningful personal information in detail, using open-ended invitations in the early phase of the interview. Furthermore, rapport is also established when interviewers say less but encourage children to talk (Teoh & Lamb, 2010).

In the revised NICHD interview protocol, a number of changes and addition were made (Lamb et al., 2018). First, the rapport building was moved before the explanation of the ground rules to enhance children's trust and cooperation. In addition, guidelines were added to build and maintain rapport. Interviewers are advised to encourage children verbally and non-verbally (e.g., leaning forward, smiling and establishing eye-contact) to describe the experienced events. They are also recommended to thank, appreciate or provide positive reinforcement to the children's efforts, but not about specific content that children provide. It is recommended as well to express empathy towards the children's expressed feelings or difficulties experienced during the interview (e.g., *"I can see that it is difficult for you to talk"*) and to provide supportive interventions as legitimizing expression (e.g., *"Here it is okay to say bad words"*). Furthermore, in the substantive phase, when children report abuse but express reluctance to discuss it, interviewers should contain (e.g., *"You can trust me and tell me things that have happened to you"*) or encourage (e.g., *"It is very important that you tell me"*) and also assure the children by

removing the responsibility from the child (e.g., “*When somebody hurts a child, it is not the child’s fault*”).

**The Advantage of Using the NICHD Interview Protocol.** Lamb and colleagues (2018) highlighted that training in the NICHD Protocol should be complemented by extensive practice opportunities and regular feedback. Lamb and colleagues (2002) compared the effectiveness of different training models on participants’ implementation of evidence based interviewing practices. They manipulated the training models into four conditions. The first condition was only conceptual training, while the second condition consisted of an introduction to scientific principles and practice sessions using the protocol. The third and fourth conditions involved supervision as follow up. As expected, Lamb and colleagues (2002) found meaningful long-term improvements in the quality of information obtained from children as alleged victims of CSA, among the participants who received intensive training and feedback over time. Furthermore, participants, who were guided by the structured NICHD interview protocol and joined the regular workshops, including supervision and feedback sessions, showed significant improvement compared to baseline. Thus, it is clear that training improved participants’ interview practices only when the training involves extensive opportunities to consolidate learning and practice skills that ensure feedback and guidance as a follow-up.

So far, the child forensic interview and protocols are a vital factor for a successful of CSA cases investigation. It is all about the internal factor that within the control of the criminal justice system (Christensen et al., 2014). Moreover, previous studies have shown that interviewer factor highly contributes to proper child forensic interview practices (Bull, 2010; Lamb et al., 2018).

### **Interviewer Factors**

These factors relate to interviewers’ beliefs, knowledge and skills. Apart from the use of a science-based interview protocol, it is important to realize that interviewers themselves play an important role in a child sexual abuse investigation. Hence, it is imperative to examine to what extent interviewers’ beliefs and knowledge concerning children’s statements and investigative interviewing might affect the outcome of the child forensic interview. Furthermore, it is important to examine if biases in people’s beliefs and knowledge might affect the child forensic interview outcome (Kassin et al., 2013).

**Interviewers' Knowledge about Children's Testimonies.** Child forensic interviewers as professionals involved in the judicial system should have an understanding of how memory works (Melinder & Magnussen, 2015; Otgaar & Howe, 2019), the basics of the developmental psychology of child witnesses (Melinder et al., 2004) and best practices of child forensic interviewing (Cheung & Boulté-Queen, 2010; Powell et al., 2010). Lamb and colleagues (2018) stated that how well interviewers understand children's development and the process by which children come to remember and describe their experiences, affects how effectively practitioners conduct forensic interviews. However, previous research has documented that law enforcement officers do not always possess knowledge that concurs with relevant research findings (Melinder et al., 2004; Westcott et al., 2006). For example, child forensic interviewers in the 1980s believed that the use of anatomically correct dolls was beneficial to obtain statements from the alleged sexual abuse victims because it helps children to show rather than tell (Cheung & Boulté-Queen, 2010; Faller, 2020). This belief led to the application of anatomically correct dolls during forensic interviews. However, as explained above, this practice is more likely to result in inaccurate statements.

**Interviewers' Attitudes toward CSA Allegations.** Next to the knowledge and understanding of memory and interviewing, it is relevant to be aware of interviewers' attitudes toward CSA allegations in general. This is crucial because there are discrepant opinions of investigators and evaluators about the validity of child sexual abuse allegations (Everson & Sandoval, 2011; Poole & Lindsay, 1998). Health professionals with their medical diagnostic procedures emphasize sensitivity to minimize false negatives, thereby preventing a child victim being unidentified and untreated (Runyan, 1998). Meanwhile, legal professionals frequently favor specificity to prevent an innocent person being imprisoned. Everson and Sandoval (2011) revealed that these differences in attitudes might bias professionals when evaluating CSA allegations as being true or false.

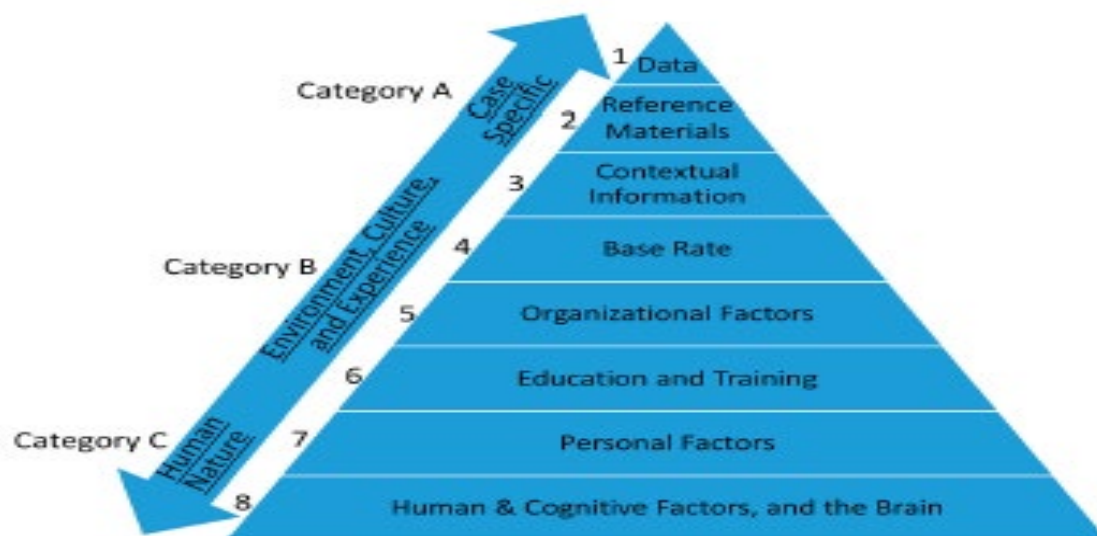
**Bias in Interviewers.** Because fact-finding is the overarching goal of a forensic interview, interviewer bias should be prevented as much as possible. Kassin, Dror and Kukucka (2013) defined interviewer bias as occurring when an interviewer conducts the interview session in such a manner to elicit reports that are consistent with the interviewer's preconceptions about the interviewee's experience. Specifically, they tend to emphasize details that confirm their pre-existing beliefs, including those about the veracity of the child's statements, while ignoring



contradictory information. During the interview, interviewer bias may be revealed in the way questions are formulated to collect information that supports the interviewer's prior beliefs (Rohrbaugh et al., 2016). Biased interviewers tend to employ more leading and repetitive questions to support their pre-existing beliefs compared to unbiased interviewers (Thompson et al., 1997). Indeed, *a priori* beliefs regarding the allegation held by the interviewer may have an enduring impact on children's current and subsequent reports (for a review, see Ceci & Bruck, 2006; Rohrbaugh et al., 2016).

Dror and colleagues (2017) proposed two mechanisms that can lead to (interviewer) bias. First, the bias cascade effect refers to the fact that irrelevant information can cascade from one stage of investigation to another. For example, in CSA investigations, it could start with a mother reporting to a general report desk at a police unit that the child was abused by the father (time 1) and then this information is transferred to a child forensic interviewer (time 2). Second, bias can occur because of the bias snowball effect. In this effect, irrelevant information from different sources affects each other. For example, forensic interviewers can become biased when they hear the results of other evidence (e.g., negative result of a medico-legal examination).

Interviewer bias is a universal process in human cognition that could also affect police interviewers in processing information and reasoning while working on a case (Melinder et al., 2019). Dror and colleagues (2017) presented a taxonomy of different potential sources of bias that might cognitively contaminate professionals' work in collecting data, doing observations, testing strategies, analysis, and conclusions (See Figure 1.3). Those sources are categorized in a pyramid with the very bottom sources being related to human nature (category C), then sources relating to the environment, culture and experience of a specific professional as a person doing the analysis (category B) and on the top the case-specific factors (category A). Case-specific factors refer to improper use of reference materials of the case being investigated that could bias the interviewer (Dror et al., 2017).



**Figure 1.1 Eight sources of bias (Dror, 2020)**

## **Interview Preparation**

Forensic interview preparation is a crucial part of the investigation. Rohrabough and colleagues (2016) argued that the preparation is critical in relation to the development of a priori beliefs about the case being investigated. Indeed, most forensic interviewing protocols recommend a preparation for the interview (Fessinger & McAuliff, 2020). There is consensus that interviewers need to collect child-related information, such as age, gender, developmental, medical and cultural considerations, in order to plan an interviewing strategy. However, Fessinger and McAuliff (2020) noted that there is less consensus regarding the amount of allegation- or case-specific information that should be obtained before interviewing children. Some experts believe that allegation-related information is critical for the interview process because of the child's possible reluctance in disclosing the abuse (Poole & Lamb, 1998; Saywitz et al., 2018). This information is needed to plan prompts to provide detailed accounts, to generate alternative hypotheses, and to ask children hypothesis-testing questions (Poole, 2016). This idea is reflected in some guidelines that advise interviewers to collect information about the allegation (Anderson et al., 2010), to interview family members (Morgan, 1995), and to gather as much information as possible about the child and the reason for the referral (APSAC, 2012).

Fessinger and McAuliff (2020) conducted the most recent survey study in a US national sample of child forensic interviewers ( $N = 781$ ) to understand practitioners' preferences and perspectives on interview preparation. They discovered that almost all interviewers wanted pre-

interview information about the nature of the alleged abuse (90%), child characteristics (87%), and the context of the disclosure (80%) Furthermore, when participants were asked to choose the most helpful types of information, they most often reported the nature of the alleged abuse (29%), the child's level of functioning pre-abuse, the context of the disclosure and the abuse (all the latter: 20%). It is obvious that a majority of child forensic interviewers values an informed approach before the interview.

On the other hand, there is concern regarding exposure to case-specific information prior to the forensic interview. This information might affect interviewers' questions and influence children's reports (Cronch et al., 2006; Rohrbaugh et al., 2016; Smith & Milne, 2011). As explained in the previous section, this concern is related to interviewer bias, that is, interviewers' expectations that affect their questioning and interpretation of evidence (Fessinger & McAuliff, 2020). Consequently, some experts suggest that interviewers should limit their pre-interview exposure to abuse- or case-specific information. Smith and Milne (2011) propose that interviewers gather minimal abuse-related information, whereas Cronch and colleagues (2006) even suggest that the interviewers should conduct their interviews blind to any abuse-related information. Poole (2016) argued that interviewers might consider a hybrid model that starts as a blind interview and, when appropriate, the interviewer receives more information during the interview.

### **The Criminal Investigation of CSA Cases in Indonesia: The Context of this Thesis**

A successful criminal investigation consists of four main factors: the law as legal reference factor, the law enforcement personnel factor, means and facilities as a supporting factor, and the socio-cultural factor (Soekanto, 2008). In this section, I will discuss these factors in relation to CSA criminal investigation in Indonesia.

Sexual abuse, including CSA, is a serious concern in Indonesia. The Indonesian National Commission for Women (2016) reported that around 30% of 11,207 reported intimate partner violence cases against women included sexual violence. Among those cases, around 8% were cases of sexual violence against girls below the age of 18. According to law professor Irianto (Fakultas Hukum UI, 2020), CSA is a crime against humanity and a violation of human rights. Moreover, Irianto argued that children are a vulnerable group because they have no legal representation.

Concerning the law as a legal reference, Indonesia has the Child Protection Act – *UU No. 23/2002; UU No. 35/2014; UU No.17/2016* – as a specific legal instrument to prosecute child sexual abuse as a form of violence against children (Republic of Indonesia, 2002; 2014; 2016). Additionally, the President of the Republic of Indonesia has recently signed a new law on sexual violence (*UU No. 12/2022*) that governs the exercise of chemical regulation, electronic surveillance, rehabilitation and offender identity disclosure (Republic of Indonesia, 2022). It is interesting to note that this act has already been revised two times within a short period: *UU No. 35/2004* and *UU No. 17/2016*. The latest version (*UU No. 17/2016*) has incorporated the possibility of life sentence, death penalty and chemical castration as a punitive treatment for sexual offenders against children. Thus, the Indonesian government views a strong law enforcement response to child (sexual) abuse cases as crucial and it has taken an active role to protect children, by revising the law.

The existence of the Indonesian Child Protection Act as a specific legal statute is a necessary but not sufficient condition for promoting justice in CSA cases. It needs to be supported by professionalism of law enforcement officers who play a critical role in criminal investigations to bring justice. In this PhD thesis, I focus on the role of the police to enforce the law at the initial phase of a criminal investigation. In 2021, the newly elected Head of the Indonesian National Police (INP) disseminated a program called “*PRESISI – PREdiktif, responSibilitas, transparanSI berkeadilan*” (Predictive, Responsibility and Transparency in Justice) to improve the INP’s public services and to gain public trust in the INP (Indonesia National Police, 2021). In the context of CSA criminal investigation, special Children and Women’s units were established within the INP, to handle reports from children and women as alleged victims. These units are available at the national level (The Indonesian National Police Board of Criminal Investigation – *Badan Reserse dan Kriminal – Bareskrim*), at 34 provincial levels (*Kepolisian Daerah-Polda*), and at 514 district levels (*Kepolisian Resort-Polres*). Besides to Children and Women’s units at police stations, children and women can also report an incidence of abuse to the Children and Women’s integrated center provided by the local government. This integrated center focuses more on child protection issues rather than on criminal investigation.

Police investigators work at the Children and Women’s unit based on specific regulations of the Head of the INP: *Perkap No.10/2007* about the organization and operating procedures of

Children and Women's units, *Perkap No. 3/2008* about the development of a special service room and an examination procedure for eyewitnesses and victims; *Perkap No. 14/2012* about the management of a criminal investigation; and lastly, the latest one, *Perkap No. 6/2019* about the criminal investigation (Indonesian National Police, 2007; 2008; 2012; 2019). In these regulations, the importance of a child-friendly investigation is clearly stated, including the role of a friendly and empathic approach, and the importance of a child forensic interview to obtain statements concerning the substantive issue of the case.

Regarding existing interviewing practices, Muniroh and Aziz (2016) revealed that in general, witness interviews conducted by the Indonesian police are not video- or audio-recorded, but are typed. The investigators and the witnesses create the report together (van Charldorp, 2011, 2013). In practice, the investigator simultaneously poses questions, listens to the interviewee and takes time to type the responses. Subsequently, the witness reviews the typed report and once agreed, the witness signs or puts a fingerprint on the report. Then, the interview report will be part of the case file. Muniroh and Aziz (2016) argued that this witness interview and record keeping practice was heavily influenced by the model operated by the Dutch during the colonial period, the *Herzien Inlandsch Reglement*, which became the *Herzien Indonesisch Reglement*, which was officially adopted and translated into Bahasa, without changing or modifying its essence (Strang, 2008).

Concerning social and cultural factors, Fontes and Plummer (2010) noted several cultural issues that may silence disclosures of CSA, such as shame, taboos, modesty, virginity, sexual scripts, honor, respect, and patriarchy. These issues are relevant in the Indonesian context. Rumble and colleagues (2018) revealed that in Indonesia, victims of sexual abuse seldom disclose abusive experiences and rarely seek support. Indeed, talking about sexuality in Indonesia is generally considered taboo, especially for children (Zakiyah et al., 2016). This socio-cultural context may create a feeling of discomfort in children to share topics that might be perceived as related to sexuality (e.g., abuse). Research has shown that in collectivistic cultures, such as Indonesia, it is preferable not to talk about issues, such as sexual abuse, to avoid feelings of shame (Wen et al., 2017). This is especially relevant for cases of intra-familial abuse, because it could be perceived as ruining the parents' and family's reputation. In Indonesia, there is a strong desire to handle domestic problems privately within the family (Syukur & Bagshaw,

2013). Bringing family disputes into the public, including law enforcement authorities, might be perceived as disgraceful to the family and result in stigma from the community.

Another cultural factor that is relevant for CSA investigation practices in Indonesia is the fact that Indonesia is a high power distance culture (Hofstede Insights, 2019). In a high power distance culture, parents teach children obedience and respect, but also to fear older people. There are certain rules of behavioural conduct that adults and authorities expect from children, such as politeness and modesty— called *tata karma* (Wiryomartono, 2020). As a consequence, reporting sexual abuse to authorities (e.g., police investigators, religious or community leaders) might give rise to uneasiness in the children, because of the power dynamics.

### **Aims and Outlines of Thesis**

The main aim of this thesis is to provide a legal psychological analysis of the prosecution of CSA cases within an Indonesian context by focusing on the child forensic interview. The overarching goal is to examine existing practices of CSA investigation. To address this main aim, several subquestions are investigated. Specifically, the following four questions will be addressed:

1. Which case features predict the success of CSA prosecution in Indonesia?
2. What is the existing level of knowledge and practice of Indonesian practitioners, especially police officers, who work with alleged CSA victims?
3. Can the (revised) NICHD interview protocol be successfully implemented as an evidence-based interview protocol in Indonesia?
4. To what extent do biases affect Indonesian practitioners' judgements in interviewing an alleged CSA victim?

This thesis consists of two main parts. The first part presents the *current* situation of CSA cases investigation and prosecution. The focus of the first part is to capture the existing practices of police investigation and the current knowledge, skills and attitudes as a starting point for an improvement plan. Subsequently, the second part presents an effort to move forward in improving CSA investigation by strengthening the skills of police investigators in child forensic interviewing.

**The first part** consists of Chapters 2, 3, 4, and 5. Chapter 2 reports on an archival study of police files to identify case features as predictors of case prosecution outcome in an initial

CSA investigation. Additionally, in Chapter 3, an evaluation of existing child forensic interviewing practices of Indonesian police investigators is described. Then, in Chapter 4, findings of a survey that examined practitioners' knowledge on the topic of human memory in general, and children as eyewitnesses in specific, are presented. Finally, Chapter 5 describes an experimental study, using a case-vignette of an alleged CSA victim, to test the effect of pre-interview case background information on police officers' perception of the victim's credibility, on their prediction of the prosecution outcome and their interview plan.

**The second part** of the thesis comprises one chapter: Chapter 6. In this chapter, I discuss the findings of two quasi-experimental studies, one of which used a staged-event, to evaluate the effect of training in the revised NICHD interview protocol on Indonesian practitioners' knowledge about memory and interviewing practices. Given that there is currently no specific training in child forensic interviewing for practitioners in Indonesia, I expected that participants would perceive the protocol and the training as a helpful tool. I also hypothesized that the protocol and the training would result in improvements of participants' knowledge and interviewing skills that are relevant to their work as a child forensic interviewer.

Finally, in the General Discussion (Chapter 7), I present an overview of our key findings, discuss the theoretical and practical implications of our results, and propose suggestions for future research.

**PART I**  
**THE CURRENT SITUATION of CSA CASES INVESTIGATION & PROSECUTION**



## CHAPTER 2

### The Relevance of Certain Case Characteristics in the Successful Prosecution of Child Sexual Abuse Cases in Indonesia

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## INTRODUCTION

Prosecution of child sexual abuse (CSA) cases is an important and critical aspect of a community's response in terms of holding perpetrators accountable and protecting children (Cross et al., 2003). CSA is a form of child maltreatment with an estimated prevalence ranging from 4 to 18% (Pereda et al., 2009; Stoltenborgh et al., 2011). It is often viewed as an iceberg phenomenon because the actual number of CSA cases exceeds the number of cases reported to law enforcement authorities (Fergusson et al., 2000; Hardt & Rutter, 2004). Children's reluctance to disclose child sexual abuse often serves as an explanation for this phenomenon of underreporting (McElvaney, 2015).

CSA is one of the most difficult crimes to detect and prosecute (Chin, 2010). One of the reasons for the complicated and arduous process of CSA prosecution is the sensitive and taboo nature of this issue (Veenema et al., 2015). Children are reluctant to disclose their abusive experiences because sexual abuse is often a very private, embarrassing, and shameful topic to discuss (Cronch et al., 2006; Tyler, 2002) and also because children may be unaware of the abusive nature of the acts (Veenema et al., 2015).

Furthermore, reporting CSA to authorities in a non-Western, collectivistic culture is perceived as a harmful decision because of shame and the need to save face (Xie et al., 2017). A high nondisclosure rate has also been found in Ghana and South Korea in relation to shame, patriarchy, maintenance of family honor or reputation, and the cost of losing a breadwinner (Boakye, 2009; Han & Kim, 2006). Lalor (2004) concluded that problems concerning child sexual abuse in Kenya and Tanzania should be handled within families according to local tradition. Furthermore, withdrawal of statements regarding CSA by children or their family members is common (Han & Kim, 2016; Xie et al., 2017).

Even when victims of CSA do report, Veenema et al. (2015) showed that such disclosures are often poorly processed through the next stages (e.g., investigation, prosecution) by law enforcement agencies. Previous research from different countries has shown that child sexual abuse has a higher attrition rate than other types of offences (Cross et al., 2003; Fitzgerald, 2006). For example, up to 40% of CSA cases were dropped from prosecution in four United States jurisdictions: New York, Iowa, Minnesota, and California (Cross et al., 1995). In Sweden, only one in ten cases reported to the police was prosecuted (Diesen & Diesen, 2009). Based on data from the police and the criminal courts in New South Wales, Australia, it was

found that most CSA cases do not proceed beyond the police investigation stage, with only 15% of reported CSA cases being criminally prosecuted and only 8% ultimately proven in court (Fitzgerald, 2006). Comparing prosecution rates across different countries is challenging because the legalization and procedures surrounding CSA prosecution can vary significantly across jurisdictions.

The low prosecution rate of CSA cases is attributed to a number of factors. The main factor is the availability of corroborating evidence to support testimonies from child victims (Brereton & Cole, 1991; Bunting, 2008; Duron, 2018). Burrows and Powell (2014) found that public prosecutors often decided not to prosecute CSA cases because the evidential quality was low. Walsh et al. (2008) identified that having at least two pieces of evidence, such as a disclosure statement, a corroborating witness, a suspect confession, and an additional report against the suspect (e.g., other victims came forward or were discovered after the child's investigation) was more likely to result in cases being prosecuted compared to cases that included only children's statements. They also found that when cases were lacking strong pieces of evidence (no physical evidence and no confession from the probable suspect), cases with a corroborating witness were nearly twice as likely to result in prosecution compared to cases without a corroborating witness.

Ernberg, Magnusson, and Landström (2018) examined differences between prosecuted and non-prosecuted cases of two- to six-year old alleged CSA victims in Sweden. They found that the presence of forensic evidence (documentation of abuse: either photo or video-documentation, corroborating DNA evidence, corroborating medical examination) and a confession from the suspect increased the likelihood of prosecution. However, in many CSA cases, other witnesses and/or corroborating evidence (medical or photo/video of the abuse) are not available.

Another factor impacting whether CSA cases are prosecuted is the victim's age. A number of studies showed that the CSA victim's age affected prosecution rates. Bunting (2008) found that cases with younger children were more likely to be dropped than cases with older children because they were considered too young to be a credible witness. Ernberg et al. (2018) also noted in their study of pre-school aged children (range = 2-6 years,  $M = 4.52$ ,  $SD = 1.25$ ) that CSA cases with older pre-school children as alleged victims were more likely to be prosecuted than cases with younger pre-school children.

The burden of proof is a core issue in any CSA prosecution. A number of factors, such as the availability of corroborating forensic evidence or a suspect's confession increase the likelihood of a case being prosecuted. In addition to these evidentiary factors, a substantial number of studies has revealed the importance of extra-evidentiary factors on case prosecution outcome, such as age of the child victim and cultural values related to shame and family honor. Until now, most studies on factors in CSA prosecution have been conducted in Western countries. In the present study, we examined a set of case characteristics derived from Indonesian CSA police files to identify which factors are associated with the prosecution (or not) of the case.

### **Context of the Present Study**

Indonesian law has several legal statutes for prosecuting CSA, such as the Criminal Code, the Child Protection Law (UU No. 17/2016) and the Domestic Violence Eradication Law (UU No. 23/2004). In addition, the President of the Republic of Indonesia signed a Government Ordinance in 2016 (PERPPU No.1/2016) which added an article to the Child Protection Act about the punitive treatment of sexual offenders, which includes chemical castration, public disclosure of offender identity, and electronic surveillance.

CSA is acknowledged in the Indonesian Child Protection Law as a crime, with a similar severity classification as terrorism, corruption and drug offenses, for which a perpetrator could be convicted to a life sentence or the death penalty and even a chemical castration for specifically a CSA perpetrator. Obviously, the existence of specific legal statutes is a necessary but not sufficient condition for promoting justice in CSA cases. Next to the legal statutes, the response of law enforcement plays a role in the delivery of justice. The Indonesian National Police has special Children and Women units at least one in each district to handle CSA allegation reports. The prosecution rate of CSA cases is an important indicator of the effectiveness of criminal justice procedures (Cross et al., 2005; Ells, 2000). However, there are currently no data on prosecution rates in CSA cases in Indonesia.

### **The Present Study**

We conducted an archival study to determine case characteristics in police files of CSA cases. We decided to work with police files because attrition mostly occurs during the police investigation phase (Cross et al., 2003; Fitzgerald, 2006). The goal of the current study was to

identify which case characteristics contribute to the outcome of CSA cases prosecution in Indonesia (prosecuted vs. not prosecuted). Not prosecuted cases include withdrawals (when parents/significant others or/and alleged CSA victims requested the police to stop the ongoing investigation) and drop-outs (when the case could not be prosecuted because of lack of evidence or a suspect could not be identified). Based on the study of Connolly and Read (2006), we focused on alleged victim/complainant characteristics, suspect/accused characteristics, and offence characteristics. We also added evidentiary characteristics as investigated by Cross et al. (1994).

This is the first archival study of CSA police files conducted in Indonesia. Rumble and his colleagues (2018) showed that CSA research in Indonesia is scarce. Comparable studies have been conducted in Sweden (Ernberg et al., 2018), Northern Ireland (Bunting, 2008), United States (Cross, De Vos, & Whitcomb, 1994), and Australia (Christensen et al., 2016). We assumed that the cultural differences between Western and Asian countries such as Indonesia might influence the CSA cases prosecution outcome. For example, CSA victims in Indonesia seldom disclose and rarely seek support as sexual abuse is considered as a private issue (Rumble et al., 2018). Based on previous studies, we hypothesized that cases including a suspect confession, an older alleged victim, a higher level of abuse severity (penetrative, forced, and/or repeated sexual abuse), and the availability of corroborating evidence would be significantly more likely prosecuted compared to cases without these features (W. A. Walsh et al., 2010; Ernberg et al., 2018).

## **METHOD**

### **Case Files**

This study is part of a larger research project for which ethical approval was granted by the Ethical Review Committee Psychology and Neuroscience (ERCPN-183\_02\_09\_2017), Maastricht University. The data collection took place in three Children and Women units (East Jakarta, South Jakarta and Depok) in Jakarta, Indonesia. Based on an a priori G\*power analysis (Faul et al., 2007), the required sample size was determined. To test 11 variables that were divided into four case characteristics domains (alleged victim and suspect, offences, evidence and the criminal prosecution process), using a power of .80, and an expected small effect size based on Connolly et al. (2006) and Christensen et al. (2016) (odds ratio = 1.72, see Chen, Cohen, & Chen, 2010), the desired sample size was calculated at 139. We were granted access to

186 police files with CSA cases that were investigated between 2010 and 2016. The data can be accessed at the Open Science Framework (OSF) website: <https://osf.io/tha2p/>.

### **Inclusion Criteria**

According to the Indonesian Child Protection Law (UU No.23/2002; UU No.35/2014), a child is defined as someone below 18 years old. Therefore, police files in this study refer to files concerning persons below 18 years old. The term CSA is not mentioned in current legal statutes in Indonesia. Sitompul (2015) identified two categories of legal statutes relevant to the protection of children from sexual abuse: the Indonesian Criminal Code (KUHP): sexual intercourse and molestation, and the Child Protection Law (UU No.23/2002; UU No.35/2014) which states explicitly that every child has the right to be protected from sexual offending: it is prohibited to use violence or threat with violence, force, lure, lying or persuasion to involve a child in sexual intercourse or molestation (article 76 D-E, UU No. 35/2014). Thus, only cases concerning either sexual intercourse or molestation (with or without violence, forcing, luring, lying, and/or persuading children to get involved in inappropriate sexual behavior, e.g., touching, kissing, petting) were included in our study.

### **Procedure**

Before starting the data collection, a data coding manual was developed based on Connolly et al.'s (2016) study, see: <https://osf.io/4jadp/>. The first author recruited two research assistants: a final year bachelor Indonesian student in law and an Indonesian psychology bachelor graduate. The coders were trained in using the coding manual.

To access police files, a formal letter asking permission was sent to the authorities at the national level: Criminal Investigation Board at the Indonesian National Police and also the Head of Police Offices where data collection would take place. This study was approved by the Dean of the Faculty of Psychology, Universitas Indonesia, based on the research proposal and ethical approval provided by Maastricht University. Subsequently, the Dean of the faculty provided a letter of support to the Indonesian National Police. After meetings with the police authorities, we received permission to inspect the CSA police files.

Random sampling could not be applied. Two out of the three Heads of the Children and Women units decided to select the case files for us based on the inclusion criteria stated in our

letter. They did not allow us to select the cases randomly because of confidentiality issues. We obtained 98 preselected cases from those two units and another 88 cases that we ourselves selected based on our inclusion criteria from the accessible filing cabinet. We excluded seven police files because the alleged CSA victims were 18 years old or even older.

Because police files were confidential, the first author and the two research assistants read and coded the files inside the police office. To comply with ethical regulations, all coders signed a confidentiality agreement stating that they would assure confidentiality of all information in the police files.

### **Data Coding**

The prosecution outcome of the case, as our dependent variable, was coded into two categories: prosecuted and non-prosecuted cases. A case was coded as having a prosecuted outcome based on a P-21 letter which was a letter signed by the public prosecutor stating explicitly that the investigation was judged complete and eligible to proceed with filing of charges. A case was coded as having a non-prosecuted outcome if there was no P-21 letter but a P-19 letter, which was a letter signed by the public prosecutor stating explicitly that the file was returned to the police investigative team because of incompleteness. Cases that did not include a P-21 or P-19 letter were also coded as non-prosecuted. These included case files that contained a letter from parents stating they made the decision, free from intimidation or external pressure, to withdraw the allegation and requesting explicitly to stop the investigation.

Four domains of case characteristics were used as independent variables (see also Connolly & Read, 2006), (1) factors associated with the alleged victim and the accused, consisting of a number of variables: gender, age, and relationship with the complainant; (2) factors associated with the offence, consisting of: abuse severity (non-penetrative vs penetrative); frequency of the alleged abuse (single vs repeated), use of threat, and sexual consequences of the alleged abuse (no report of sexual consequences; pain in genitalia or pregnancy; (3) factors associated with the evidence consisting of: suspect confession and/or a medico-legal report signed by a medical doctor (Utama, 2014); and (4) factors associated with the criminal justice process consisting of: duration of the investigation, and number of legal statutes used to argue the charges.

**Variables related to the alleged victim and the suspect.** First, alleged victims' gender was coded. Second, his or her actual age when reporting to the police was entered as a continuous variable. Subsequently we created three groups: (1) adolescent (13 – 17 years old); (2) school age children (7 – 12 years old); and preschool age children (below 6 years old). We also coded age of the suspect and the relationship between the suspect and the alleged victim: intra-familial (the accused is a member of the nuclear or extended family, including step- or foster parents) or extra-familial (the accused and the complainant are not related, including acquaintances and strangers).

**Variables related to the offence.** The reported offence was coded into three levels of severity (Connolly & Read, 2006; Giroux et al., 2018): level 1 (fondle over or under clothes, genital exposure), level 2 (masturbation, simulated intercourse, oral sex, digital penetration or attempted penetration), and level 3 (vaginal or anal penetration). We also coded the frequency of the offence(s). First, we recorded the exact number of incidents or description of the frequency (e.g., many times, frequently) and then this variable was recoded as single versus repeated abuse. We coded the alleged victim's report of having been threatened by the suspect or other evidence of threat, into three categories: (1) no report or evidence of threat; (2) report or evidence of verbal threat, e.g., to keep silent to avoid harmful consequences of disclosure; and (3) report or evidence of direct physical violence, e.g., the alleged victim reported being kicked or forced violently. Finally, we coded whether or not the alleged victim reported sexual consequences in the following categories: (1) no report of experiencing any sexual related consequences; (2) report of suffering pain in genitalia; and (3) pregnancy.

**Variables related to the evidence.** Based on the Indonesian Code of Criminal Procedure (Article 184, verse 1, Kitab Hukum Acara Pidana- KUHAP), there are five types of evidence which are admissible in court: (1) oral witness/victim testimony, (2) oral expert testimony, (3) a written document made under oath (e.g., minutes or other documents made in official form by or in front of a competent public official; written testimony by an expert), (4) an piece of evidence which refers to an act, event or circumstance signifying that an offense has occurred (e.g., video footage of the alleged abuse), and (5) the defendant's testimony. We coded aspects of admissible evidence as follows: (1) suspect confession was coded as no confession vs confession (including partial and full confession); (2) medicolegal report, which was coded as not available or available with either a negative or a positive result. We focused on these two types of



admissible evidence because previous studies (Cross et al., 1994; Cross et al., 1995; Lippert et al., 2010; Redlich et al., 2018; Walsh et al., 2010) found that these were statistically significant predictors of case prosecution outcome.

**Variables related to the criminal justice process.** We added a variable related to the duration of the investigation, which was calculated on the basis of two pieces of information: the date of the original report made by the alleged victim and the file termination date derived from the final letter which informed about the case outcome. We subsequently recoded this variable into three categories: (1) less than a month, (2) between 1-2 months, and (3) more than 2 months. Within this variable domain, we also included the reference to the legal statute used in the investigation, divided into three categories: (1) only the Indonesian Criminal Code; (2) only the Child Protection Law; (3) or a combination of these two. We also counted the number of articles within the law referred to in the file: (1) one article; (2) two articles, or (3) more than two articles.

Interrater agreement (Cohen's  $\kappa$ ) for the predictor variables was calculated between two raters on the basis of 40 (circa 20%) randomly selected case files. Cohen's  $\kappa$  ranged from .87 to 1.0, indicating adequate agreement between raters (Cohen, 1960).

## **Statistical Analyses**

First, we were interested in examining possible differences between the three victim age groups: preschool age (below 6 years old); elementary school age (7-12 years old); and adolescence (13 – 17 years old). We performed separate Chi-Square analyses with age category as independent variable and frequency, severity, threat and sexual consequences as outcome variables.

Then we conducted the main analyses of this study in order to examine the predictors of case prosecution outcome. A three-step analytical strategy was used. First, all police files were grouped into prosecuted versus non-prosecuted cases (which consisted of withdrawn and drop-out cases). Once groups were established, Chi-Square analyses were performed to identify the association between case characteristics variables and these two categories (prosecuted vs non-prosecuted) as outcome variable. Subsequently, predictor variables that differentiated between the two groups were entered into a binary logistic regression model with case status (prosecuted versus non-prosecuted) as the dependent variable.

## RESULTS

A total of 179 police files of CSA cases investigated between 2010 and 2016 were analyzed for the purpose of this study. Most of the cases involved girls ( $n=168$ ; 94%) who were students at elementary or high schools ( $n=155$ ; 87%). The alleged CSA victims' age ranged from 2 to 17 years old, with a mean age of 12.4 years. Overall, 19 (11%) of the alleged CSA victims were preschool children – below 6 years old; 45 (25%) were school age children, 7 – 12 years old; 115 (64%) were adolescents, 13 – 17 years old.

We examined whether there were differences in offence-related variables between these three age groups. We found statistically significant differences between preschoolers, school-aged children and adolescents in severity of the offences, experiencing sexual consequences and use of threat during the offence, but no statistically significant difference in frequency of offences.

**Table 2.1 Comparison among age groups on variables related to the alleged offence.**

	Pre-school age ( $n=19$ )	School age ( $n=45$ )	Adolescence ( $n = 115$ )	$\chi^2$	$df$	$p$	$V$
Frequency							
Single incident	12 (63%)	16 (36%)	47 (41%)	4.28	2	.12	.15
Repeated abuse	7 (37%)	29 (64%)	67 (59%)				
Severity							
Level 1: Fondling, Exposure	2 (10%)	6 (13%)	6 (5%)	40.55	4	<.001	.34
Level 2: Oral sex, Masturbation	11 (58%)*	11 (25%)	7 (6%)*				
Level 3: Penetration	6 (32%)*	28 (62%)	101 (89%)*				
Sexual consequences							
No report	0	7 (21%)	11 (12%)	22.27	4	<.001	.28
Pain in genitalia	19 (100%)*	27 (79%)	52 (60%)*				
Pregnancy	0	0*	24 (28%)*				
Threat							
No report of threat	9 (47%)	23 (51%)	71 (62%)	12.62	4	.013	.19
Verbal threat	8 (42%)	14 (31%)	15 (13%)*				
Physical Violence	2 (11%)	8 (18%)	23 (25%)				

\*Post-hoc comparisons,  $p < .05$

By applying post-hoc comparisons, the analyses revealed that the proportions of some categories were statistically significantly different for the adolescent category compared to the other age categories. Specifically, penetration occurred more often in adolescent cases than in

other age category cases ( $\chi^2 (4, N = 178) = 28.2; p < .001$ ). Also, worse sexual consequences of abuse were found more often in adolescent cases than in the other age categories, i.e., pain in genitalia ( $\chi^2 (4, N = 139) = 10.89; p < .001; V = .28$ ) and pregnancy ( $\chi^2 (4, N = 139) = 17.64; p < .001; V = .28$ ). Perpetrator's verbal threat was least reported in adolescent cases ( $\chi^2 (4, N = 178) = 11.22; p < .001$ ). In order to be able to test our hypotheses, we divided all cases into two categories: prosecuted ( $n = 58; 32\%$ ) and non-prosecuted cases ( $n = 121; 68\%$ ). Chi-Square tests were conducted to identify case characteristics variables that differed significantly between prosecuted and non-prosecuted cases (see Table 2.2).

**Table 2.2 Case outcomes (prosecuted vs nonprosecuted) in relation to case characteristics.**

	Prosecuted <i>n</i> = 58	Nonprosecuted <i>n</i> = 121	$\chi^2$	<i>df</i>	<i>p</i>	<i>V</i>
Age						
Preschool age (below 6)	9 (16%)	10 (8%)	2.18	2	.34	.11
School age (7-12)	14 (24%)	31 (26%)				
Adolescence (13-17)	35 (60%)	80 (66%)				
Gender						
Girl	54 (93%)	114 (94%)	.08	1	.75	.02
Boy	4 (7%)	7 (6%)				
Child and suspect relationship						
Intra-familial	6 (11%)	15 (13%)	.19	1	.66	.03
Extra-familial	50 (89%)	100 (87%)				
Frequency						
Single incident	21 (36%)	54 (45%)	1.24	1	.33	.08
Repeated abuse	37 (64%)	66 (55%)				
Severity						
Level 1: Fondling, Exposure	2 (3%)	12 (10%)	4.14	2	.12	.15
Level 2: Oral sex, Masturbation	13 (23%)	16 (13%)				
Level 3: Penetration	43 (74%)	92 (77%)				
Sexual consequences						
No report	4 (9%)	14 (15%)	1.77	2	.42	.11
Pain in genitalia	33 (70%)	64 (70%)				
Pregnancy	10 (21%)	14 (15%)				
Threat						
No report of threat	26 (45%)*	77 (64%)*	6.35	2	.04	.19
Verbal threat	17 (29%)	20 (17%)				
Physical Violence	15 (26%)	23 (19%)				
Suspect confession						
No confession	4 (7%)*	20 (20%)*	7.65	1	.02	.17
Partial/Full confession	54 (93%)*	82 (80%)*				
Medicolegal report						
No medicolegal evidence	3 (5%*)	26 (22%)*	8.44	2	.015	.22
Medicolegal with negative result	3 (5%)	8 (7%)				
Medicolegal with positive result	52 (90%)*	85 (71%)*				
Investigation duration						
Less than a month	2 (4%)*	44 (40%)*	24.91	2	<.001	.39
Between 1 – 2 months	35 (62%)*	42 (39%)*				
More than 2 months	19 (34%)	23 (21%)				
Legal statutes						
Criminal code	0	4 (3%)	7.60	2	.02	.21
Child Protection Law	29 (50%)*	37 (31%)*				
Combination	29 (50%)*	80 (66%)*				
Number of legal statutes used						
One	29 (50%)*	31 (26%)*	13.25	3	.004	.27
Two	23 (40%)*	77 (64%)*				
More than two	6 (10%)	13 (11%)				

*Note.* \*Post-hoc comparisons,  $p < .05$ .

Our statistical analyses revealed that six variables discriminated statistically significantly between prosecuted and non-prosecuted cases. Cases were statistically significantly more likely to be prosecuted if the case involved threat, if the suspect confessed, if there was a positive medicolegal report as evidence, if the investigation duration was between one to two months, if the Child Protection Law was referenced to file charges and if only one article of the legal statute was used to argue the charges.

By applying post hoc comparisons, the analyses revealed that the proportion of some categories were statistically significantly different between prosecuted and non-prosecuted cases. For example, the proportion of reported threat was higher in prosecuted than in non-prosecuted cases ( $\chi^2 (2, N=178) = 6; p = .014, V = .19$ ). Furthermore, the proportion of suspect confessions was higher in prosecuted cases than in non-prosecuted cases ( $\chi^2 (1, N=160) = 4.84; p = .027, V = .17$ ). Also, the proportion of cases containing a medicolegal report with positive results was higher in prosecuted cases than in non-prosecuted cases ( $\chi^2 (2, N=177) = 7.40; p = .006, V = .22$ ). Regarding the factors associated with the criminal justice process, we found that the proportion of cases being investigated in less than a month was higher in non-prosecuted cases than prosecuted cases ( $\chi^2 (2, N=165) = 24.9; p < .001, V = .39$ ). It was also evident that the proportion of cases that used Child Protection Law as a basis for prosecution was higher in prosecuted than in non-prosecuted cases ( $\chi^2 (2, N=179) = 6.35; p = .011, V = .21$ ). Finally, the proportion of cases that used only one article of the legal statute as a basis for prosecution was higher in prosecuted than non-prosecuted cases ( $\chi^2 (3, N=179) = 10.43; p = .001, V = .27$ ).

In the next step, the six variables that discriminated statistically significantly between prosecuted and non-prosecuted cases were entered into a binary logistic regression model, using case prosecution outcome as dependent variable. This logistic regression model is presented in Table 2.3.

**Table 2.3 Binary logistic regression analysis to examine the association between case characteristics and case prosecution outcome**

	<i>B</i> (SE)	95% CI for Odds ratio			df	<i>p</i>
		Lower	Odds ratio	Upper		
Constant	-4.46 (1.54)					.004
Threat	.43(.25)	.95	1.55	2.51	1	.08
Suspect confession	1.60 (.65)	1.37	4.92	17.75	1	.01

Medicolegal report	.71 (.32)	1.09	2.02	3.77	1	.03
Investigation duration	.81 (.31)	1.23	2.25	4.12	1	.008
Type of legislation	.33 (.52)	.50	1.39	3.81	1	.53
Number of legal statutes used	-.82 (.41)	.20	.44	.99	1	.04

*Note.*  $R^2 = .19, .26$  (Nagelkerke). Model  $\chi^2(6) = 31.33, p < .001$ .

The analysis revealed that cases in which medicolegal evidence was available, the suspect confessed, duration of the investigation was between one to two months, and just one legal article was referenced, were statistically significantly more likely to be prosecuted than to be non-prosecuted.<sup>2</sup>

## DISCUSSION

In this archival study, we examined Indonesian police files of CSA cases investigated between 2010 and 2016 to identify case characteristics related to the prosecution outcome (prosecuted versus non-prosecuted). The percentage of prosecuted CSA cases (32%) was lower than the percentage of non-prosecuted cases. Typical features of prosecuted CSA cases in our study were: 1) the case involved threat, 2) the suspect confessed, 3) there was a positive medicolegal report, 4) the case was investigated within a 1 – 2 months' time frame, and 5) the case was handled under a single article of the Child Protection Law. When we entered all these five case characteristics into a regression model, all features except the use of threat by the suspect, remained statistically significantly associated with successful prosecution.

The low rate of CSA cases being prosecuted (32%) is remarkable considering prosecution rates found in Western countries (Northern Ireland: 49%; Bunting, 2008; United States: 48% - 76%; Cross et al., 2003, and 64%; Walsh et al., 2008). Considering the fact that our data were derived from police files used in an early phase of the criminal justice process, our results confirm previous findings that attrition mostly occurs at this early stage (Cross et al., 2003; Fitzgerald, 2006; Kelly et al., 2005). Hence, our findings support the notion that CSA is widely recognized by legal professionals as one of the most difficult crimes to investigate and prosecute (Cashmore et al., 2017; Walsh et al., 2010).

<sup>2</sup> We also conducted some exploratory analyses and these have been uploaded on OSF (see: <https://osf.io/f6k7n/>).

Our findings regarding the prosecuted CSA case features are in line with previous studies in jurisdictions from Western countries, such as the United States (Cross et al., 2003; Stolzenberg, & Lyon, 2015), Sweden (Diesen & Diesen, 2009; Ernberg et al., 2018), and Australia (Bunting, 2018; Christensen et al., 2016; Fitzgerald, 2006). First, cases in which there was a medicolegal report with a positive result were more likely to be prosecuted than those without a medicolegal report or with a negative medicolegal result. Previous studies demonstrated that medicolegal reports are considered as strong evidence because they are viewed as objective (Campbell et al., 2009; Ernberg et al., 2018; Magnusson et al., 2018). However, many medicolegal reports do not provide corroborating evidence for the CSA (Kelly et al., 2006) because in CSA cases, physical traces of the abuse are often not present.

Second, in line with our hypotheses, cases with a suspect confession were most likely to be prosecuted. This finding corresponds to previous research (Cross et al., 1995; Duron, 2018; Ernberg et al., 2018; Lippert et al., 2010; Redlich et al., 2018; Walsh et al., 2010). A confession by the suspect is widely recognized as powerful evidence (Walsh et al., 2008) and a strong predictor of case prosecution (Cross et al., 1994). One obvious reason for this is that an admission of wrongdoing by the perpetrator simplifies the decision to prosecute (Duron, 2018). In addition, a confession by a suspect also leads to a greater likelihood of a conviction (Bradshaw & Marks, 1990; Lippert et al., 2010).

Third, the presence of threat with physical violence was higher in prosecuted than in non-prosecuted cases. This finding was also in line with previous studies. Cross, De Vos, and Whitcomb (1994) also demonstrated that threat of force was related to prosecution. Indeed, research has also shown that CSA cases were more likely to result in acquittal when the defendant was not charged with force (Stolzenberg & Lyon, 2014). Remarkably, the threat of force disappeared as a statistically significant predictor of prosecution in the logistic regression analysis. The report of force of threat was entirely based on the alleged victim's statement, and it is possible that law enforcement authorities deemed these statements less objective, and therefore less credible, compared with the other case characteristics, such as the positive medicolegal report.

These three case characteristics led to a statistically significantly greater likelihood of case prosecution in this study (positive result of medicolegal report, suspect confession, and threat of force), and they are also well investigated in previous studies. Our findings support the

current state of evidence regarding case characteristics that discriminate between prosecuted and non-prosecuted cases. Previous research has been exclusively focused on the Western context. The fact that we found similar findings in Indonesia implies that there might be universal case characteristics leading to CSA prosecution.

We also examined characteristics related to the investigation duration and the legal statutes as the investigation reference. Our study showed that cases were most likely to be prosecuted if the duration of the investigation was between one to two months. Cases in which the investigation took less than one month, or more than two months were less likely to be prosecuted. The investigation of CSA demands time. CSA is often committed in private settings in which corroborating evidence, for instance, eyewitness reports, is often not available and the child's statement usually provides most – if not all – of the information about the offence (Smith et al., 2000; Walsh et al., 2010). CSA victims in many cases do not spontaneously disclose or provide statements. Police investigators need enough time to collect probative evidence. However, if the investigation takes too long, this may indicate that there is a lack of corroborating evidence and/or the police are unable to secure such evidence, which ultimately results in non-prosecution.

We also found that the type of legal statute referenced in the file and the number of legal articles used was predictive of case prosecution. Specifically, reference to the Child Protection Law was statistically significantly associated with case prosecution. The Indonesian Child Protection Law is more specific compared to the Indonesian Criminal Code, which may result in more CSA cases meeting the burden of proof. Furthermore, cases referenced under a single legal article were more likely to be prosecuted than those referenced under more than one legal article. Perhaps reference to more than one legal article demands extra efforts by the police to obtain evidence to support the allegation. We suggest that referencing to one article of the Child Protection Law brings clarity to the investigation of the case which can later on lead to enough evidence to file charges. Studies have indicated that prosecutors attempt to avoid uncertainty by only filing charges in cases where the odds of conviction are high (Albonetti, 1987; Holleran et al., 2010).

In our study, we did not find that the age of alleged CSA victims predicted case prosecution as we had hypothesized, whereas other studies did (Bunting, 2008; Ernberg et al., 2018). The latter studies found that cases with younger children were more likely to be dropped



than cases with older children, because they were considered too young to be a credible witness. However, older children who were considered more credible as witness, were also more likely to be blamed and unsupported (Walsh et al., 2012) even by their parents (Cross et al., 1994). The consequence of this is that some cases including older children were not prosecuted (Cross et al., 1994). We may not have been able to find support for both hypotheses, because of a relatively lower sample size of preschool ( $n=19$ ; 11%) and school age cases ( $n = 45$ ; 25%), compared to adolescent cases ( $n = 115$ ; 64%). However, we did find differences between the age groups of the alleged victims on offence-related characteristics. We found that adolescent alleged victims were more likely to have experienced penetration, physical consequences in terms of pain in their genitalia and pregnancy, compared to younger children. Adolescents also experienced a lower level of threat compared to the younger children.

Another interesting observation was that almost 60% of the adolescent cases with a pregnancy report ( $n=14$ ) were non-prosecuted. To gain more insight into this issue, we conducted interviews with two Heads of the Children and Women units about the prosecution outcome for adolescent cases with a pregnancy report. We found that police investigators prefer to discontinue these cases by using mediation, especially if the suspect and the victim were of a similar age and had a dating relationship. A so-called *musyawarah mufakat*, a deliberation process where participants are asked to seek compromise to reach a consensus, is arranged to resolve the case. Family disputes, in this case between the families of the victim and the suspect, are traditionally considered domestic problems in Indonesia that should be handled privately by the families (Syukur & Bagshaw, 2013). This mediation effort usually leads the victim and her family to withdraw the allegation. In case of a pregnancy, police investigators encourage both parties to think about the arrival of the baby. Subsequently, both families arrange a marriage between the victim and the suspect. Arranged marriage is viewed as a way to reduce the feeling of shame and in the best interest of the child (Breugelmans & Poortinga, 2007).

We observed that using only a single legal article of the Child Protection Law increased the likelihood of case prosecution. Thus, we offer the suggestion that the prosecution office creates focus in the police investigation by using the (newer) Child Protection Law instead of the Criminal Code, and to use just one legal article in the investigation phase. Second, because of the relevance of the suspect's confession for prosecution, it can be concluded that use of evidence-based investigative interviewing practices for suspects are highly important. For instance, the

strategic use of evidence (SUE) technique (Granhag & Hartwig, 2015) could increase the probability of obtaining an objective and truthful confession. At present, such interviewing practices are not implemented in Indonesia.

### **Limitations**

A number of limitations of this study need to be acknowledged. This study included CSA police files from three Children and Women's units from greater Jakarta. We could not apply random sampling in selecting case files. Response bias may have impacted the selection of police files which were provided by the heads of two of the units as they may have chosen successful or uncontroversial cases by their own preferences. One-unit head selected more prosecuted cases relative to the other two units. Another limitation of this study included missing data for some of our variables. We also could not examine other relevant variables, such as quality of the investigative interviews with victim and suspect, because there was no standardization in the interview report sections of the case files. These conditions have limited our ability to investigate case characteristics that actually may be of relevance to our research question. This study focused on the preliminary outcome of the criminal proceeding of CSA cases and we did not know the final outcome before the court. We recommend that the archival study of police files should be followed-up by investigating the court files of CSA cases (see Connolly & Read, 2006; Read et al., 2006) in order to monitor the final outcome of CSA cases in Indonesian courts.

### **Conclusion**

The current study is the first archival study of CSA case files in Indonesia, which focuses on the early phase of criminal procedure, the police investigation. We found that suspect confession, presence of a medicolegal examination report with a positive result, duration of the investigation between one to two months and a single legal statute used to press charges, were positive predictors of the case being prosecuted. Our main findings correspond to previous research in other countries (Bunting, 2008; Cross et al. 1999; Ernberg, 2018). This implies that although there are culture specific factors leading to the non-prosecution of CSA cases, certain factors are probably universal (e.g., suspect's confession and medicolegal evidence).

In this study, we did not include the quality of child forensic interviews as a predictor of the case outcome. Pipe and colleagues (2013) showed that well-conducted interviews increased

the likelihood of charges being filed and of guilty verdicts. However, Pichler and colleagues (2019) demonstrated that the number of victims was a better predictor of trial outcome than interview quality. They argued that interview quality played a more determining role at the initial stage of police investigation than at trial. Therefore, it is relevant to examine the existing practices of child forensic interviews conducted by Indonesian police investigators. We decided to conduct an archival study combined with a quasi-experimental study using a case vignette to obtain critical insight concerning the existing child forensic interview practices by Indonesian police investigators. These studies will be presented in the next chapter.



## CHAPTER 3

### The Quality of Forensic Child Interviewing in Child Sexual Abuse Cases in Indonesia

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## INTRODUCTION

Child sexual abuse (CSA) is a public health problem with a global prevalence estimated at 11.8%, or 118 per 1000 children (Stoltenborg et al., 2011). CSA violates the UN Convention of the Rights of the Child aiming to protect the child from all forms of sexual exploitation and sexual abuse (UNCRC, 2004, p.10). CSA has serious social, psychological and physical health consequences (Widom & Massey, 2015), oftentimes with a life-long devastating impact (Borg et al., 2014; Daray et al., 2016).

Despite its serious impact, the prosecution of CSA cases is often complicated because legal cases often hinge solely on the testimony of a child victim. Often, no objective forensic evidence (e.g., photographs, physical traces) is available and triers of fact have to base legal decision-making on what a child victim remembers about the abusive event(s) (Cross et al., 1994; Cross & Whitcomb, 2017; Herman & Freitas, 2009; Otgaar et al., 2017). In addition, many alleged CSA victims are reluctant to report abuse when interviewed in a forensic context, even when there is clear and objective evidence of abuse (Hershkowitz et al., 2014). Other relevant issues are the suggestibility and the tendency to acquiesce to authoritative figures of children (Bruck & Ceci, 1999) which call for specific precautions in forensic interviews. Because of these issues (lack of disclosure, lack of objective evidence, and suggestibility), interviewing alleged CSA victims, notably younger children, is a challenging but highly important task (Hershkowitz et al., 1998; Lamb et al., 2000; Lamb et al., 2003).

Specialized skills are required when interviewing children in a forensic context (e.g., using open-prompts that enable children to provide a free narrative using minimal specific questions; Powell, Wright, & Clark, 2010). However, forensic interviewers frequently lack basic knowledge and training about how to appropriately interview children (Poole, 2016; Powell et al., 2010; Wood & Garven, 2000). The core recommendations for interviewing children are derived from basic principles of memory retrieval and social influence, for example: eliciting freely recalled narratives, following the child as witness' train of thoughts, and avoiding suggestive questions (Poole, 2016).

A substantial body of research has resulted in improvements in forensic child interviews (Lamb et al., 2008; Perona et al., 2008; Poole, 2016). Open-prompts (e.g., "Tell me what happened?") have repeatedly been shown to elicit more accurate and less contaminated information than focused questions (e.g., "What did he wear?") (Hershkowitz, 2001; Lamb et al.,

2008). Furthermore, responses to open-prompts are at least three to five times more informative in terms of eliciting forensically-relevant details than responses to more focused questions (Lamb et al., 2008; Poole, 2016; Sternberg et al., 2001; Sternberg et al., 1996).

### **Child Investigative Interviewing**

Experts in the field of child interviewing developed child-friendly interview protocols integrating findings from controlled laboratory experiments and field-based research to assist interviewers in obtaining accurate statements (Lamb et al., 2008, La Rooy et al., 2015). A clear advantage of using a standard protocol is to promote a practical procedure that employs a coordinated and interdisciplinary approach which might reduce the number of child interviews, avoid distress in children and improve the quality of children's testimonies (Cheung and Boute-Queen, 2010). Some examples of protocols are the cognitive interview (Fisher & Geiselman, 1992), the memorandum of good practice (Davies & Westcott, 1999), the step-wise interview (Yuille et al., 1993), the Ten Step investigative interview (Lyon, 2005) and the National Institute of Child Health and Development (NICHD) interview protocol (Lamb et al., 2008).

These interview protocols, except the Cognitive Interview, were specifically designed for use with children. They highlight the importance of creating a child-friendly investigative setting. Conversational practices with a child can be used to achieve various goals, such as to enhance retrieval and accurate reporting of information about experienced events (Lamb et al., 2008), to maximize the amount and quality of the information while minimizing contamination of that information, and to minimize the impact of the investigation on the child (Yuille et al., 2009).

The above-mentioned protocols have several components in common, as they are structured and guide interviewers through a set of interview phases. For example, a general structure was proposed in the Memorandum of Good Practices by using rapport building, asking for a free narrative and focusing on open-ended questions (Davies & Westcott, 1999). Although many child interview protocols are similarly structured, the NICHD interview protocol is the most widely researched forensic child interview protocol (Benia et al., 2015). For this reason, we have used certain principles of the NICHD Protocol (i.e., coding of different types of questions) in the current studies.

The NICHD protocol is an evidence-based protocol for interviewing alleged CSA victims (Benia et al., 2015). The NICHD Protocol has been shown to elicit detailed (Cyr & Lamb, 2009; Lamb et al., 2003) and accurate (Otgaar et al., 2018) information from children. The NICHD Protocol incorporates scientific knowledge on the developmental capabilities of children (e.g., memory functioning, disclosure of abuse) and creates conditions for maximizing children's productivity and the likelihood of accurate statements regarding experiences of abuse (Ahern et al., 2015; La Rooy et al., 2015). The NICHD Protocol provides interviewers with a clear structure, guiding them through each phase of the interview, and helping them to avoid poor questioning strategies that might lead to contamination or memory distortions (Lamb et al., 2007). The main focus of the NICHD Protocol is to guide interviewers towards using open-prompts that have been found to encourage children to provide more accurate testimonies than when other types of questions are used. Furthermore, the NICHD Protocol stresses that other types of specific and/or focused questions (e.g., "Where did you meet the man"?), option-posing: "Did he wear a black or blue coat?") should be used only when free recall is exhausted in response to open- prompts. These focused questions should be used in tandem again with open-prompts. Another important feature of the NICHD Protocol is that it starts with a rapport-building phase, narrative and episodic memory training, both of which facilitate episodic memory retrieval (Saywitz et al., 2015).

Recent findings on CSA forensic interviews reveal that the use of the NICHD Protocol increases the likelihood that alleged victims make accurate allegations of abuse, including cases of intra-familial abuse (Ahern et al., 2014; Hershkowitz et al., 2014; La Rooy et al., 2015). Moreover, Pipe and colleagues (2013) demonstrated that protocol interviews were more likely to yield charges filed and guilty verdicts than non-protocol interviews (but see also Pichler et al., 2019). Furthermore, Gagnon and Cyr (2017) examined preschool children, aged three to five years old who disclosed an episode of sexual abuse. They analyzed the NICHD Protocol transcripts and found that these transcripts contained more details when open-prompts were used compared to specific and/or focused questions. However, the NICHD Protocol by itself does not ensure interview quality. Ongoing feedback about how interviews are conducted is a crucial necessity of the NICHD Protocol interview training (Lamb et al., 2002; La Rooy et al., 2015).

## **Child Investigative Interviewing in Indonesia**

The scientifically based NICHD Protocol has not been introduced into police training programs in Indonesia. Currently, Indonesian investigators are assigned to a 'Children and Women's police unit after completing basic and general police training. Specific training is provided regarding how to investigate cases involving women and children and relevant aspects of the law, e.g. the Child Protection Law (UU No.17, 2016), and the Domestic Violence Law (UU No.23, 2004). Although it is generally agreed that child investigative interviewing is a complex skill (Powell et al., 2016), specialized training in this area is not currently available for Indonesian police investigators.

Police investigators at the Children and Women Unit who are mandated to conduct forensic interviews are aware of the importance of interviewing children appropriately. For example, a general guideline was disseminated as a National Police Head instruction to be used in all Children and Women units (PERKAP No.3, 2008). This guideline emphasizes the importance of creating a child-friendly approach in interviews with children. Next to the general guideline, Indonesian police investigators are trained to use specific focused questions to obtain forensically relevant information. Specifically, asking "who", "what", "where", "when", "why", and "how" questions is recommended in the guideline of the Indonesian National Police (PERKAP No.14, 2012). These types of directive questions are focused prompts which, according to several research studies, actually elicit less relevant information from alleged CSA victims than open-prompts (Lamb et al., 2008; Lamb et al., 2009).

At the moment, child forensic interviews are not recorded in Indonesia. When children are interviewed by police investigators, the questions asked during the interview are recorded on paper or directly typed into a computer. This existing practice (PERKAP No.14, 2012) does not comply with evidence-based practices used elsewhere (Lamb et al., 2009; Powell et al., 2010). Video or audio recording of child interviews is advised to supplement children's court room testimony (Poole, 2016), and to secure an accurate record of what was said exactly by the child and the interviewer. Although child forensic interviews by Indonesian police are currently not recorded, interview notes from the Indonesian police might provide crucial insights into existing interviewing practices in Indonesia.



## **The Present Studies**

The goal of the current studies is to examine the quality of child investigative interviewing in Indonesia. To date, most studies examining the quality of child interviewing have been performed in Western educated industrialized rich democratic (WEIRD) societies (see Henrich et al., 2010). Non-Western countries such as Indonesia have a different culture, language, and legal system compared to most Western countries which may affect the way children are interviewed. For example, people in East Asia tend to adjust their attitude and behavior depending on situational factors such as who they are with. They often have an innate desire to please authority figures. In child interviewing contexts, children might say ‘yes’ very often to please adults (Kanagawa et al., 2001). Reporting CSA to authorities in a non-Western, collectivistic culture is perceived as a harmful decision because of shame and the need to save face (Xie et al., 2017). Rumble and colleagues (2018) found that victims in Indonesia seldom disclose incidents, rarely seek support and consider CSA a private issue. Moreover, if parents or children decide to report to the police, they meet an authority and a power differential. Indonesian society has one of the largest power distance cultures (Hofstede Insights, 2019). In a large power distance society, parents teach children obedience, and older people are both respected and feared (Hofstede, 2011). This cultural phenomenon may interfere with best practices in police interviewing of children. Thus, developing an empathic attitude through building rapport and active listening doesn’t come naturally to most Indonesian police officers.

Another reason to be concerned about the quality of child forensic interviews is that Indonesia is not without highly publicized cases of child sexual abuse in which poor interviews may have contributed to a miscarriage of justice. For example, the case involving the Jakarta Intercultural School (JIS) in 2015 (Hawley & Smith, 2016; Millar, 2018) concerns a Canadian teacher and an Indonesian teaching assistant convicted for sexually abusing kindergarten children based on a dubious account of abuse which included a magic hypnotic stone and secret hidden rooms within the JIS. They were sentenced to 11 years in prison by the Indonesian Supreme Court, which overturned their acquittal by the Higher Court. The case is highly controversial because some experts provided evidence that the children’s reports are tainted by biased adults and interviewers using suggestive questions instead of open-prompts (Hawley & Smith, 2016). The case raised awareness in Indonesia that children should be interviewed using evidence-based guidelines (“The Magic Stone”, 2015). The current studies are a first step in

examining the current quality of Indonesian forensic child interviewing. Given the cultural differences explained above, it is vital to explore the current child forensic interview practices in Indonesia.

In Study 1, we presented Indonesian police interviewers with a CSA case vignette and asked them which questions they would employ in this particular case. In Study 2, Indonesian police files of CSA interviews were examined concerning the types of questions asked. In line with previous studies (Cyr & Lamb, 2009; Lamb et al., 2009; Orbach et al., 2000; Sternberg et al., 2001;) we predicted that in both studies, open-prompts would be rarely used and that directive, option-posing, and suggestive questions would be used with higher frequencies.

## **Study 1**

### **METHOD**

#### **Participants**

Twenty-six police interviewers were selected by the head of the Women and Children's Unit, a special police unit within the Indonesian Police Criminal Investigation Department that handles cases involving children and women. They were employed in four police districts: East Jakarta, South Jakarta, Depok and Tangerang (Indonesia). Participants were selected based on inclusion criteria set by the researchers: they had at least one year of work experience in the Women and Children's Unit and had conducted at least two forensic interviews with children during the past month. After participating in the present study, police interviewers took part in a training program in the NICHD Protocol by the first and second author.

Participants were 5 male and 21 female police investigators and their age ranged from 21 to 52 years ( $M = 30.08$ ,  $SD = 10.23$ ) and possessed between 1 and 34 years of work experience as a police investigator ( $M = 7.46$ ,  $SD = 8.90$ ). Participants had conducted child forensic interviews, ranging from 2 to more than 100 ( $M = 35.63$ ,  $SD = 30.10$ ). This study is part of a larger CSA research project for which ethical approval has been granted by the Ethical Review Committee (ERCPN-183\_02\_09\_2017). The data can be accessed at the Open Science Framework (OSF) website: <https://osf.io/kn3hr/>

#### **Procedure**

Before the start of the NICHD Protocol training, a written survey was administered to acquire baseline data on participants' knowledge of human memory functioning and child forensic

interviewing. These data will not be discussed in the present manuscript. As part of this pre-test, participants also read a case vignette of a 7-year old girl who reported having been sexually abused by her father. Briefly, the case vignette described a scenario in which the child's mother brought the child to the police office one day after the alleged abuse took place. The suspected abuse occurred in the evening when the mother was away from home, and a neighbor reported that the father was home with some friends for a party that evening. After reading the case vignette, the participant was instructed to imagine that he/she was asked to conduct the forensic interview with this child and had to imagine that the child was sitting in front of him/her and that the substantive part of the interview would start. Participants were asked to write down all questions they wanted to ask to gather substantive details and relevant information of the alleged abusive event. Participants' questions were collected for coding.

### **Data Coding**

All questions from the participants' work sheets were translated from Bahasa Indonesia to English by the first author. Subsequently, the first author coded the questions according to the different question types (open-prompts, directive, option-posing, and suggestive). The first author received training in coding questions from the second author who is an experienced NICHD Protocol trainer. The question types are derived from the NICHD utterance types (Ahern & Lamb, 2017; Lamb et al., 2009). We coded a question as suggestive if the question contains information that was not disclosed from the start and also strongly communicates the desired response, for example: "I heard that someone did something bad to you, isn't it?" or "Did the perpetrator use violence, threat or seduction?" when the child had not yet mentioned violence, threat or seduction.

### **Interrater Reliability**

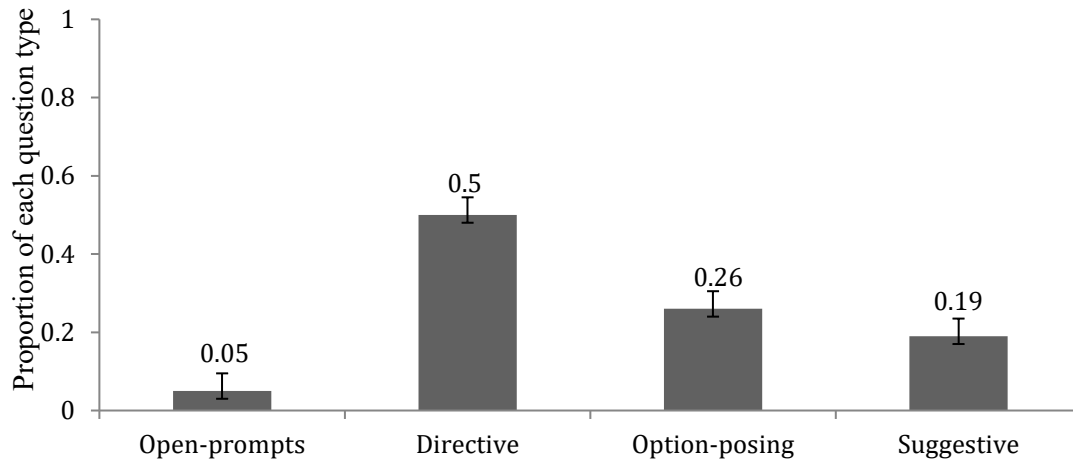
Twenty-five percent of the participants' ( $n = 6$ ) interview questions were randomly selected for coding by the first two authors to assess interrater agreement. Cohen's  $\kappa$  was .79, indicating adequate agreement between raters (Cohen, 1960). Discrepancies were resolved by discussion between the two raters.

## Data Analysis

First, we calculated proportions for each question type for all participants. For example: a participant who wrote down five questions in an interview plan could have the following distribution (and percentages): two open-prompts (40%), two directives (40%) and one option-posing (20%). To test our predictions, a repeated measures ANOVA was conducted with type of question as within-subject variable. Post-hoc Bonferroni pairwise comparisons were applied to test whether the proportions for the different question types statistically differed from each other.

## RESULTS & DISCUSSION

On average, interviewers wrote down around five to six questions with a range from 2 – 23 ( $M = 5.88$ ,  $SD = 2.69$ , 95%  $CI = 4.88 - 6.92$ ). For all participants together, there were 153 questions, consisting of 80 directive questions, 37 option-posing questions, 30 suggestive questions and only 7 open-prompts. As presented in Figure 1, the proportion of open-prompts was found to be the lowest ( $M = .04$ ,  $SD = .11$ , 95%  $CI = .003 - .09$ ). Directive questions were posed the most ( $M = .50$ ,  $SD = .18$ , 95%  $CI = .43 - .57$ ). A repeated measures ANOVA was conducted with type of question as within-subject variable: open-prompts, directives, option-posing, and suggestive. There was a statistically significant effect of question type,  $F(3, 75) = 30.12$ ,  $p < .001$ ,  $\eta_p^2 = .546$ , indicating that a certain question type was more likely to be asked than other types of questions. The main analysis was followed by post-hoc Bonferroni comparisons which showed that almost all question types differed significantly from each other ( $ps < .01$ ), only option – posing and suggestive questions were not statistically significant different from one another ( $p = .65$ , 95%  $CI = -.055 - .21$ ; see Figure 3.1).



**Figure 3.1 The proportion of different question types (total questions  $N=153$ ) used by 26 police interviewers.**

95% Confidence Intervals are represented in the figure by the error bars attached to each column.

Our findings are in line with previous studies: interviewers who have not been trained in an evidence-based child forensic interview protocol wrote down few open-prompts and used relatively more directive, option-posing and suggestive questions (Benia et al., 2015; Cyr & Lamb, 2009; Cyr et al., 2012; Lamb et al., 2009; Orbach et al., 2000; Sternberg et al., 2001), whereas ideally these relative proportions would be in the opposite direction. Of the 26 participants, only 6 (23%) entered at least one open-prompt in their notes. Another notable finding was the large proportion of suggestive questions (19%), with suggestive questions asked by 20 participants (77%). This study provides preliminary data on how police interviewers in Indonesia may interview children who have allegedly experienced CSA. To further test our hypothesis, we conducted a second study in which we analyzed police files involving real cases of alleged CSA.

## **Study 2**

### **METHOD**

#### **Sample**

We examined 24 forensic child interview reports of alleged CSA cases from two Women and Children's Units: East Jakarta and Depok. These interview reports were part of police files provided by the local authorities for the first author's research project. The interview reports were documented in a question and answer format. There were no available video or audio recordings of the interviews. We could not randomly select the case files because there was limited access granted by the authorities. However, for cases that we could examine, we used the following inclusion criteria: the case had to concern alleged CSA victims under the age of 14 that contained an interview report in a question and answer format. We excluded case files ( $n = 9$ ) with interview reports that only contained summaries of the interview. The interviews were conducted between 2010 and 2016 with 22 children ranging in age between 4 and 14 years ( $M = 10.13$ ,  $SD = 3.04$ ); one child was a boy. Two children were interviewed twice. There are no published data on the exact number of forensic child interview reports of alleged CSA cases performed in these two Women and Children's Units. Based on unpublished statistics provided by the Head of one Women and Children's Unit where the data collection for the current study took place, on average around 78 CSA cases were handled every year between 2013 and 2017. The majority of the children (62.5%) reported penetrative child sexual abuse. Our forensic interviews were conducted by 14 different police investigators ranging in age between 20 and 44 years with between 1 to 24 years working experience ( $M = 33.26$ ,  $SD = 7.07$ ). The data can be accessed at OSF: <https://osf.io/smcvx/>

#### **Procedure**

After collecting the interview reports from the police case files, the first author translated all questions stated in the report into English. Subsequently, the first author coded all questions on the basis of the NICHD utterance types (Ahern & Lamb, 2017; Lamb et al., 2009). The coding procedure used was exactly the same as the one used in Study 1.

### **Interrater Reliability**

To assess interrater agreement, 25% of the randomly selected interview reports ( $n = 6$ ) were coded by the first two authors to assess interrater agreement. Cohen's  $\kappa$  was .65 indicating substantial agreement between raters (Cohen, 1960). Differences between coders were discussed. The majority of disagreements occurred between suggestive versus directive questions. This could be explained by the fact that one of the coders did not speak Indonesian and could not determine if the child had already mentioned specific information earlier in the interview because the entire interview report was written in the Indonesian language and we only translated the interviewer's questions.

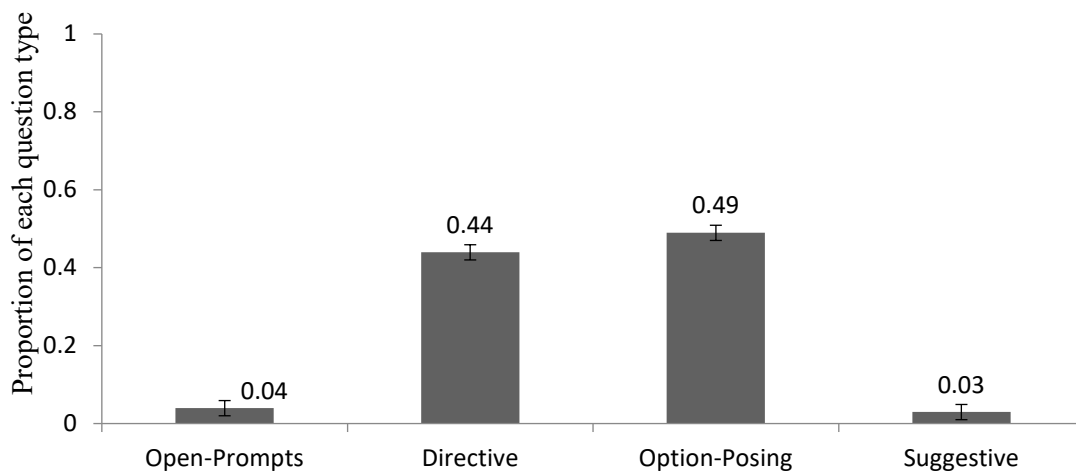
### **Data Analysis**

First, we calculated proportions for each question type from all interview reports. The calculation of this procedure was the same as the one used in Study 1. To test our predictions, a repeated measures ANOVA was conducted with type of question as within-subject variable. Post-hoc Bonferroni pairwise comparisons were applied to examine differences between the four question types.

## **RESULTS & DISCUSSION**

We first calculated the number of questions in each police file ( $M = 13.75$ ,  $SD = 2.83$ , range = 9 – 22, 95%  $CI$  [12.71 – 14.92]). From all interview reports together, there were 330 questions, consisting of 165 option-posing questions, 144 directive questions, 8 suggestive questions and 13 open-prompts. A repeated measures ANOVA was conducted with type of question as within-subjects factor,  $F(3, 69) = 107.68$ ,  $p < .001$ ,  $\eta_p^2 = .824$ , meaning that a specific question type was more likely to be asked than other types of questions. As can be seen in Figure 2, open-prompts ( $M = .04$ ,  $SD = .05$ , 95%  $CI$  [.02 - .06]) and suggestive questions ( $M = .03$ ,  $SD = .05$ , 95%  $CI$  [.01 - .05]) were infrequently used, and option-posing ( $M = .49$ ,  $SD = .14$ , 95%  $CI$  [.43 - .55]) and directives ( $M = .44$ ,  $SD = .13$ , 95%  $CI$  [.39 - .50]) were asked most frequently. The results of Study 2 showed that police interviewers asked few open-prompts (only 4% of all questions asked); the majority of their questions were option-posing and directive questions (93%). Post-hoc Bonferroni pairwise comparisons showed that there were significant differences between open-prompts and directives; between open-prompts and option-posing; between

directives and suggestive questions; and also between option-posing and suggestive questions (all  $ps < .001$ ; see Figure 3.2). However, the remaining pairwise comparisons did not reveal a significant difference between: (1) open-prompts and suggestive questions, and (2) directive and option-posing questions (both  $ps = 1$ ). These results were in line with our prediction because Indonesian police interviewers are trained to obtain information through directive questions (the ‘4 Ws’).



**Figure 3.2 The relative proportion of question types found in police reports of interviews with CSA victims (Total number of questions = 330).**

95% Confidence Intervals are represented in the figure by the error bars attached to each column.

### Comparative Analysis: Study 1 versus Study 2

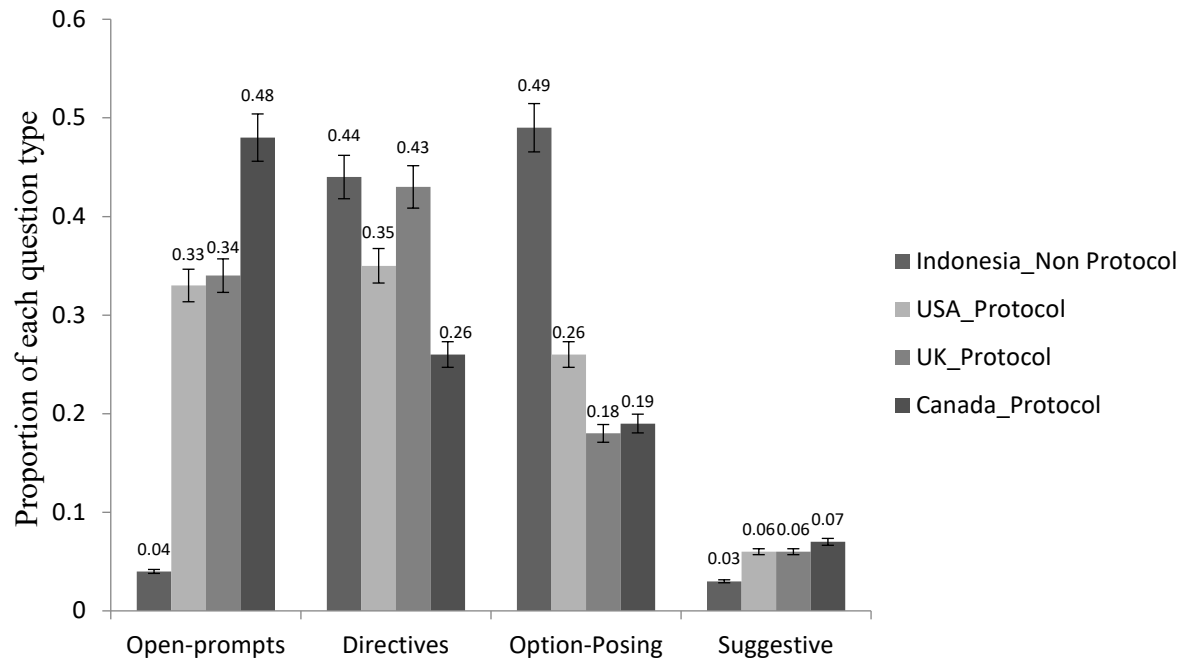
The proportional rates for each question type were compared between Study 1 (case vignette) and Study 2 (actual police files) by conducting independent samples  $t$ -tests. We found that the mean proportion of option-posing questions was statistically significantly higher in Study 2 (49%,  $SD = .14$ , 95%  $CI$  [.43 - .55]) than in Study 1 (29%,  $SD = .18$ , 95%  $CI$  [.19 - .32]),  $t(48) = -4.97$ ,  $p < .001$ ,  $d = 1.45$ . The mean proportion of suggestive questions was statistically significantly higher in Study 1 ( $M = .19$ ,  $SD = .13$ , 95%  $CI$  [.14 - .24]) than in Study 2 ( $M = .03$ ,  $SD = .05$ , 95%  $CI$  [.01 - .05]),  $t(48) = 5.77$ ,  $p < .001$ ,  $d = 1.68$ . No statistically significant differences were found for the proportion of open-prompts ( $t(48) = .36$ ,  $p = .72$ ,  $d = .12$ ) and directives ( $t(48) = 1.31$ ,  $p = .19$ ,  $d = .39$ ) between the two studies. Our analyses also demonstrated that suggestive questions were more often used in Study 1 than in Study 2.



## International Comparisons

We compared the findings from Study 2 with findings from previously published studies in three countries: UK (Lamb et al., 2009), USA (Sternberg et al., 2001), and Canada (Cyr & Lamb, 2009). In these earlier studies, NICHD Protocol interviews were compared to non-protocol interviews (Lamb et al., 2008). We conducted separate univariate ANOVAs. Specifically, we first conducted an analysis between NICHD Protocol interviews of the UK, USA and Canada and Indonesian interviews with the types of question as dependent variable. Second, we conducted analyses between non-Protocol interviews in the USA/ Canada and Indonesian interviews. Afterwards, post-hoc Bonferroni pairwise comparisons were conducted.

Our analyses revealed that Indonesian non-Protocol interviews contained fewer open-prompts than NICHD Protocol interviews in all comparison countries (all  $ps < .001$ ;  $2.20 \leq$  Cohen's  $ds \leq 2.77$ ). Furthermore, option-posing questions were more frequently used in the Indonesian non-Protocol interviews than in NICHD Protocol interviews from the other countries (all  $ps < .001$ ;  $2.27 \leq$  Cohen's  $ds \leq 2.77$ ). Indonesian non-Protocol interviews contained more directives than NICHD Protocol interviews in two countries: Canada ( $p < .001$ ; Cohen's  $d = 1.40$ ) and the USA ( $p = .004$ ; Cohen's  $d = .74$ ). For suggestive questions, there was a statistically significant difference between the Indonesian non-Protocol interviews and Canadian NICHD Protocol interviews, with fewer suggestive questions in Indonesian non-Protocol interviews ( $p = .018$ ; Cohen's  $d = .72$ ).



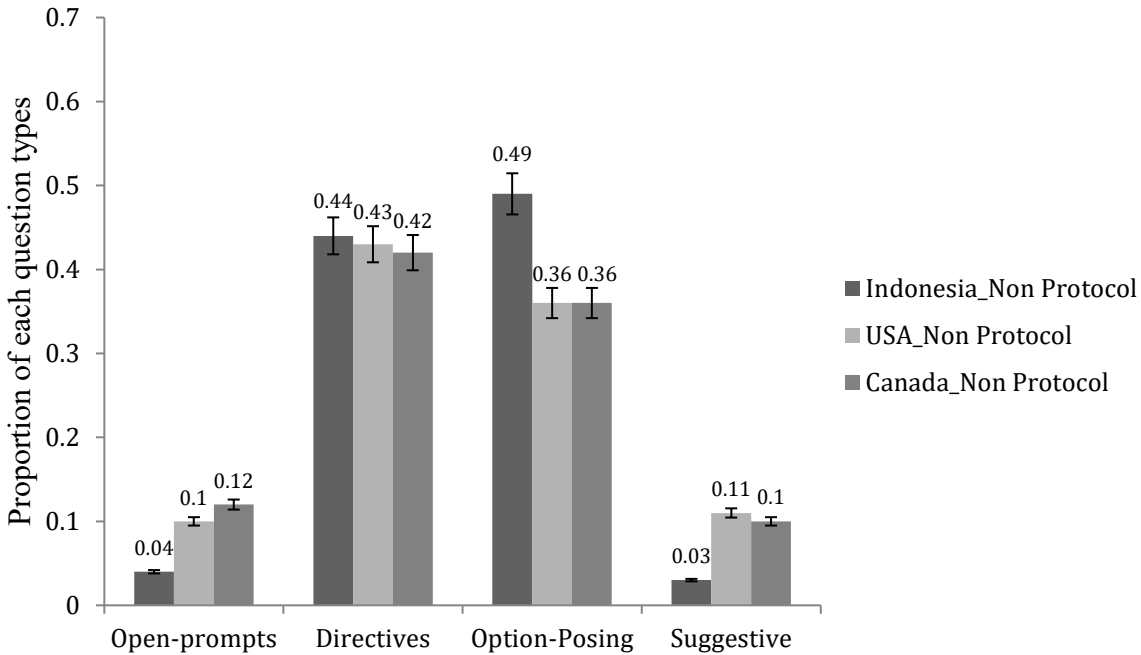
**Figure 3.3 Comparisons of question types between Indonesian non-protocol interviews and NICHD Protocol interviews conducted in USA (Sternberg et al., 2001), UK (Lamb et al., 2009), and Canada (Cyr & Lamb, 2009).**

95% Confidence Intervals are represented in the figure by the error bars attached to each column.

When comparing Indonesian non-Protocol interviews and the NICHD Protocol interviews from UK, USA and Canada, our analysis replicated previous research findings that interviewers who applied the NICHD protocol use more open-prompts and fewer option-posing and directives than non-protocol interviews ( $p < .001$ ) (Cyr & Lamb, 2009; Lamb et al., 2009; Orbach, et al., 2000; Perona, Bottoms, & Sorenson, 2008; Sternberg et al., 2001). In a meta-analysis, Benia et al. (2015) observed large effect sizes for the NICHD Protocol versus non Protocol in terms of increasing the use of open-prompts and reducing the use of option-posing questions and a moderate effect size for the reduction of suggestive questions.

Subsequently, we compared non-Protocol interviews from Indonesia with non-protocol interviews from two other countries: USA and Canada. The results are presented in Figure 3.4. We excluded the UK non-protocol interviews because of missing cases in the UK non-protocol interview data presented in the article.<sup>3</sup>

<sup>3</sup> The proportion of all question types did not add up to 100% in the paper we are referring to (see Lamb et al., 2009).



**Figure 3.4 Comparisons of question types between Indonesian non-protocol interviews and non-protocol interviews conducted in USA (Sternberg et al., 2001) and Canada (Cyr & Lamb, 2009).** 95% Confidence Intervals are represented in the figure by the error bars attached to each column.

Our analyses revealed that the proportion of open-prompts in Indonesian interviews was significantly lower compared to the non-protocol interviews from Canada and the USA (all  $ps < .05$ ;  $1.10 \leq \text{Cohen's } ds \leq 1.12$ ). We also found that the Indonesian interviews showed the lowest proportion of suggestive questions (all  $ps < .001$ ;  $1.09 \leq \text{Cohen's } ds \leq 1.49$ ). Furthermore, Indonesian interviews revealed a significantly larger proportion of option-posing questions compared to the two countries' non-protocol interviews (all  $ps < .001$ ;  $1.01 \leq \text{Cohen's } ds \leq 1.19$ ). For directives, there were no significant differences between Indonesian interviews and non-protocol interviews from the US and Canada.

## GENERAL DISCUSSION

The goal of our studies was to examine current forensic child interviewing practice of Indonesian police investigators in cases of alleged CSA victims. The first study focused on identifying the types of questions that Indonesian police child interviewers asked when presented with a case vignette of an alleged CSA victim. The second study aimed to assess the quality of investigative interviewing of alleged CSA victims in Jakarta, Indonesia by analyzing interview reports included in police files. Being derived from actual police files, these data provided a good estimate of current child interviewing practices. These studies represent the first attempt to assess current police interviewing practices in Indonesia.

The most remarkable finding in both studies was that police interviewers rarely used open-prompts, but instead used mostly directive and option-posing questions. This finding indicates that police interviewers make extensive use of directed questions which ask children explicitly about their previous disclosure rather than relying on open-prompts that invite children to provide a narrative from which relevant forensic details can be collected. This is actually true of most police investigators who did not receive advanced training in child investigative interviewing (Lamb et al., 2002; Powell, Guadagno & Benson, 2016).

Quite likely, the current practice of Indonesian police interviewers is related to a lack of evidence-based investigative interviewing training. At present, no specialized training in forensic child interviewing is provided to Indonesian police investigators. We also note the unclear guidelines provided by the Head of Indonesia's National Police about how to conduct proper interviews (PERKAP No. 14, 2012). Although the regulation states, for example, that interviews should be open, conducted in a friendly and empathic manner, and should not elicit feelings of being offended (PERKAP No. 3, 2008), there are no detailed guidelines on how to implement these practices.

A substantial body of research has demonstrated that open-prompts are the preferred question for investigative interviewing of children because they lead to detailed and accurate reports (Davis, Westcott, & Horan, 2000; Hershkowitz, 2001; Korkman, Santilla, & Sandnabba, 2006; Lamb et al., 2002). The consistent finding across our two studies that open-prompts were seldom used, strongly suggests that alleged CSA victims are currently not interviewed according to evidence-based principles in Indonesia. This is further demonstrated by the relatively high proportion of directives and option-posing questions which have been shown to lead to less

detailed responses (Benia et al., 2015), and even worse, to less accurate and more contaminated information (Ahern & Lamb, 2017; Hershkowitz, 2001; Lamb et al, 2008; Perona et al., 2008; Poole, 2016).

In Study 2, police investigators often started the interview with an option-posing question (e.g., “Do you know the reason why you are examined and are asked to provide a statement?”). After this question, most interviewers asked directive questions concerning the suspect of the alleged CSA, the relationship with the suspect, the alleged incident, the frequency of the incident(s), and the place and time the alleged incident occurred. Option-posing questions were also used at the end of all interviews from the police files. This pattern of questioning appears to comply with guidelines and examination procedures for eyewitnesses and victims put forward by the Head of the Indonesian National Police Regulation (PERKAP No. 3, 2008). This focus on directive and option-posing questions is not in line with evidence-based guidelines on how to conduct a child forensic interview. The NICHD Protocol emphasizes that after extensive rapport building and episodic memory training, interviewers should focus on using open-prompts. Interviewers should maximize the reliance on free recall by using open-prompts and minimize the risk of eliciting erroneous information by using directives, option-posing, and suggestive questions (Lamb et al., 2002).

When we compared Study 1 and Study 2 findings, we noted that the proportion of suggestive questions was statistically significantly higher in Study 1 where participants were asked to respond to a case vignette. This finding might reflect that police interviewers to some extent planned the interview to confirm their existing pre-interview belief that the abuse actually happened. This pre-interview belief might have led to a confirmation bias (Laajasalo et al., 2018), thereby driving the use of suggestive questions. This pre-interview belief might also be the case in Study 2. However we could not capture the whole real interview process in the written documents of Study 2 and therefore, we do not know whether interviewers in these cases had received case-(ir) relevant information before the interview that might have caused pre-interview beliefs.

We also compared our data with non-protocol and NICHD Protocol interviews from other countries (Cyr & Lamb, 2009; Lamb et al., 2009; Sternberg, et al., 2001). The most important finding from the comparison with the NICHD Protocol interviews from other countries was that Indonesian interviewers used fewer open-prompts, more option-posing and directives.

When we compared our data to non-protocol interviews from other countries, there was no difference in the proportion of directives. Indonesian police interviewers did, however, use fewer suggestive questions and open-prompts than their American and Canadian counterparts who did not use an interview protocol, but they more frequently employed option-posing questions. Although the finding of a relatively low proportion of suggestive questions among Indonesian interviewers is favorable, the relatively high proportion of option-posing and directive questions still runs counter to best-evidence practices in forensic child interviewing. All in all, our findings imply that current Indonesian interviewing practices need to be improved.

Several limitations of these studies need mentioning. We conducted research at the Indonesian National Police which is a highly formalized institution which requires external parties to follow strict procedures when performing scientific research. For example, we could not apply random sampling in selecting participants for Study 1 nor for the cases analyzed in Study 2. However, for Study 1, we had strict criteria for selecting police interviewers. We ensured that participants worked as police child interviewers handling CSA allegations on a regular basis.

Specifically for Study 1, we coded questions based on participants' notes as an interview plan. Nonetheless, the notes obviously did not measure participants' ability to follow-up after relevant information has been disclosed by using appropriate open-prompts to elicit additional narrative. This ability is very important in forensic interviewing (Korkman, Santtila, Westera, & Sandnabba, 2008). Therefore, for future research, in order to evaluate interviewing skills, researchers could design an experimental study with a staged-event paradigm to provide opportunity to pose follow-up questions based on previous disclosed information (London, Bruck, & Melnyk, 2009; Otgaar, Horselenberg, van Kampen & Lalleman, 2012)

For Study 2, we first submitted a formal letter asking access to CSA cases files from 2010 until 2016, and subsequently the Head of the Children and Women's Unit in two districts in Greater Jakarta selected and provided the cases. Our sample of interviews in Study 2 was relatively small ( $N = 24$ ). Still, the results of Study 2 are quite promising, given the extreme proportions of option-posing and directive questions found. Another limitation is that none of the child interviews in Study 2 were recorded. We worked with the available written notes which to some extent did not capture the whole interview session (Lamb, 2012). Thus, we have no way of knowing for sure that the questions described in the police reports were the actual questions

asked by the police interviewers. Recording and storing all interviews conducted by police could improve current practices in Indonesian child interviewing (see also Russell, 2009). This documentation could then be used to evaluate both the credibility of a child's statement and the degree to which interviewers may have contaminated these statements (Bull, Valentine, & Williamson, 2009).

Our findings stress the importance of training in an evidence-based protocol for interviewing alleged CSA victims for Indonesian police interviewers. Currently, the Bahasa version of the NICHD interview protocol is available (see: <http://nichdprotocol.com/bahasaIndonesia.pdf>) and future research should examine the efficacy of this version in Indonesia. However, other structured interview protocols, such as the Cognitive Interview, could serve the same purpose.

Finally, our studies provide important empirical evidence for policy makers within the Indonesian National Police to promote scientifically based criminal investigative practices. Some existing guidelines for police investigators (PERKAP No.3, 2008; PERKAP No.14, 2012) should be revisited to encourage the police investigator to apply evidence-based interviewing practices. The use of an evidence-based interview protocol and the recording of interviews could also not only serve the police but also professionals such as judges to render a just decision. That is, when judges have more information (e.g., verbatim transcripts of statements of children) concerning a case, they are better able to decide whether statements by a child are valid to justify sentencing.

To conclude, using two different research designs (a case vignette study and a file-based study) we found corroborative evidence that Indonesian police interviewers rarely use open-prompts and use mostly option-posing and directive questions. This shows that Indonesian police child interviewing is currently of limited quality and stresses the need to train Indonesian police child interviewers in an empirically-based forensic child interview protocol.

Having adequate knowledge about the functioning of children's memory is imperative as it provides a basis for evidence-based child forensic interview practices (Lamb et al., 2007; Myklebust & Bjørklund, 2010). Therefore, I assumed that the limited quality of child interviewing practices in Indonesian national police investigators might be due to a lack of knowledge on how children's memory works. Hence, we decided to examine whether Indonesian professionals who interview children (e.g., police investigators, psychologists) possess sound knowledge on the science of children's memory. This was examined in the following chapter.

## CHAPTER 4

### Knowledge about Eyewitness Testimony:

#### A Survey of Indonesian Police Officers and Psychologists

This chapter is published as:

Sumampouw, N., Bjørndal, L. D., Magnussen, S., Otgaar, H., & Brennen, T. (2021). Knowledge about eyewitness testimony: A survey of Indonesian police officers and psychologists.

*Psychology, Crime, and Law*, 28 (8), 763-777. <https://doi.org/10.1080/1068316x.2021.1962868>.





## INTRODUCTION

Memory-based testimony and eyewitness evidence are often crucial in criminal trials where legal and non-legal professionals (e.g., psychologists, social workers) are involved. Reliance on memory-based testimony is especially heightened when there is little or no forensic evidence available to support claims from witnesses and suspects (Otgaar & Howe, 2019). However, when such testimony contains inaccuracies, it can contribute to wrongful convictions and miscarriages of justice (Cooper et al., 2019). Hence, it is of vital importance that both legal and non-legal professionals involved in the evaluation of eyewitness testimony and evidence have sound and correct knowledge of important factors that may affect them.

Absolute reliance on eyewitness statements can be problematic because memories are reconstructive which under certain conditions (e.g., suggestive interviewing) might lead to the formation of false memories, that is, memories for non-experienced details and events (Loftus, 2005). Cases such as the McMartin preschool case in the U.S. concerning alleged child sexual abuse (Garven et al., 1998) and which ended with no convictions have over the past decades sparked a vast amount of empirical research into the validity and fallibility of eyewitness memory. However, there continue to be gaps between what scientific research tells us about for example the reliability of memory, what practitioners believe, and what triers of fact need to know about memory in order to give proper weight to memory evidence (Otgaar et al., 2019; but see also Brewin et al., 2019).

### **Research on Knowledge of Eyewitness Memory**

Researchers have examined legal professionals' knowledge of eyewitness memory in various countries and regions across the world, including China (Jiang & Luo, 2016; Wise et al., 2010), France (Dodier et al., 2019), Italy (Magnussen et al., 2013), Scandinavia (Granhag et al., 2005; Magnussen et al., 2008), and the U.S. (Wise & Safer, 2004). In general, these surveys have found that legal professionals lack sufficient knowledge of important factors that reduce the accuracy of eyewitness testimony, and that the knowledge of legal professionals is not superior to the knowledge of students, lay people, jury or prospective jury members (e.g., Magnussen et al., 2010; Wise & Safer, 2010). We briefly review such studies with police and psychologists below.

Wise and colleagues (2011) reported that a high proportion of US law enforcement officers mistakenly agreed that a witness's ability to recall minor details about a crime is a good

indicator of the entire accuracy of the testimony, and only about half correctly agreed with the statement that it is a harder for a witness to recognize a perpetrator of a crime who is wearing a hat. Benton and colleagues (2006) found low agreement rates among responses of law enforcement officers with that of eyewitness experts for several items, such as the relationship between confidence and accuracy, weapon focus and the forgetting curve. Granhag and colleagues (2005) noted that Swedish police officers lacked sufficient knowledge concerning certain eyewitness issues, including the malleability of memory, the increased risk of inaccurate identification in a simultaneous compared with sequential lineup, and the effects of emotion on remembering details of an incidence. Thus, studies have identified gaps in knowledge regarding eyewitness memory among police and law enforcement officers.

Examining knowledge of eyewitness memory and testimony among non-legal professionals such as psychologists and psychiatrists is also highly relevant as they often play an important role in criminal proceedings. Magnussen and Melinder (2012) found that Norwegian psychologists were no more knowledgeable than laypeople or trial judges regarding issues of eyewitness memory. In a review paper, Otgaar and colleagues (2019) reported that a substantial proportion of psychologists, from 59% to 96%, endorsed erroneous beliefs about repressed memories (the putative phenomenon where traumatic memories, for instance of committing murder, become unconsciously blocked), and recovered memories (the putative phenomenon where one remembers traumatic events of which one previously had absolutely no recollection). Furthermore, Melinder and Magnussen (2015) noted that only 30% of regular psychologists and 39% of psychologists and psychiatrists serving as expert witnesses in court discounted the existence of repressed memories.

Knowledge about children as witnesses is expanding with increasing research on this topic, and because there is a relatively stable scientific consensus on several aspects in this field (Kassin et al., 2001), we decided to include several items on children's testimony in the present study. Melinder and colleagues (2004) studied the beliefs and opinions about children's memory, suggestibility and credibility of a group of practitioners working with children within the Norwegian legal system, including police and psychologists. They reported that police officers expressed greater belief in children being able to be good witnesses whereas psychologists were more skeptical, especially regarding younger children. Interestingly, a recent study showed that,

on the topic of children as eyewitnesses, defense lawyers were more skeptical than psychologists (Kostopoulos et al., 2019).

### **The Present Study**

This study compared the knowledge of police officers and clinical psychologists regarding factors that may affect eyewitness evidence in children and adults. Almost all of the surveys that have assessed knowledge and beliefs related to these topics among legal and non-legal professionals have been conducted in WEIRD countries (Western, Educated, Industrialized, Rich and Democratic; see Heinrich et al., 2010). Two exceptions are studies that investigated this issue among legal professionals in China (Jiang & Luo, 2016; Wise et al., 2010) and they also reported limited eyewitness knowledge in judges and defense attorneys. The present study surveys the knowledge and beliefs of Indonesian police officers in comparison to psychologists regarding eyewitness topics and thus makes Indonesia the second non-WEIRD country to be surveyed in this way.

There are at least three reasons why more non-WEIRD studies on this topic are timely. At a general level, psychology's pretensions to make claims of universality require studies also to be carried out in non-WEIRD contexts. Also, in contrast to many Western systems, the training of Indonesian police officers contains little or no exposure to relevant topics in psychology. It is at present unclear whether they will perform at similar levels as police officers in Western studies, or will they be worse? Finally, research has shown that culture can affect the functioning of memory (Wang, 2021) with collectivistic cultures (such as Indonesia) being more likely to encode the context of events while Western cultures are more likely to remember salient details (Nisbett & Masuda, 2003). The consequence of these differences in memory as a function of culture might also drive differences in people's beliefs about the functioning of memory.

Importantly, the current study is also the first non-WEIRD study comparing law enforcement officers to psychologists, who, due to their curriculum would be expected to have superior knowledge on this topic. In the Indonesian national curriculum for a bachelor in psychology, there are compulsory courses on developmental and cognitive psychology (AP2TPI, 2019), which both cover the topic of memory.

Indonesia is a particularly interesting country in which to examine beliefs concerning eyewitness memory because the country still bears the imprint of centuries long Dutch colonial

rule, which is reflected in the Indonesian Civil Code and Criminal Code. After independence in 1945, Indonesia established its modern law, modifying existing Dutch legal principles, drawing from the customary law (*adat*) that existed before colonisation, as well as Islamic law (*sharia*) which applies to Muslims (Butt & Lindsey, 2018). Thus it is a non-WEIRD country with Western, local and Islamic influence.

## **METHOD**

### **Participants**

When the study was initiated in 2017, there was no research ethics committee at the Faculty of Psychology, Universitas Indonesia (FPsi UI), where the first author works, or at the Police Science College Indonesian National Police (STIK-PTIK). We obtained an approval letter from the dean of FPsi UI. Then, a formal letter asking permission to conduct the survey with the research proposal and questionnaire including an informed consent form was sent to the head of the national board of the Indonesian Clinical Psychologists association and to the head of the STIK-PTIK. We informed them that participation in the survey was voluntary and that no identifying data would be stored. The researchers had no professional relationship with the potential respondents. We were granted permission to conduct the study from both the head of Indonesian Clinical Psychologists association and the STIK-PTIK. The study followed the principles of the Declaration of Helsinki.

Participants completed the online questionnaire in Indonesian that was posted on Google Form. There were two waves of data collection, which were conducted during 2017 and 2018. First, the online questionnaire link was distributed via email to members of Indonesian Clinical Psychologists Association. Second, data was collected via either online questionnaire link or booklet on four different occasions (one occasion with psychologist and three occasion with police officers) at either seminar or lecture sessions delivered by the first author. The topics of these sessions were not related to those assessed in the current survey.

**Table 4.1 The demographics for the two groups.**

	<i>Police</i> ( <i>n</i> = 270; 81%)	<i>Psychologists</i> ( <i>n</i> = 63; 19%)	<i>Total</i> ( <i>n</i> = 333)
<b>Gender</b>			
Male	220	12	232
Female	50	51	101
<b>Age</b> ( $x = 31.9$ , $SD = 6.28$ , Range = 20 – 65)			
20-30	120	25	145
31-40	145	16	161
Above 40	5	22	27
<b>Years of work</b> (Median = 7.4, $SD = 5.05$ , Range = 1 – 37)			
<= 2years	22	16	38
3 – 5 years	23	15	38
6 – 10 years	203	9	212
>10 years	22	23	45

In total, 343 responses were obtained, of which 333 were included for the final analysis. The data can be accessed at: <https://osf.io/ab3wf>. Ten entries were excluded after data cleaning because of multiple submission from the same respondents. Respondents were 232 male and 101 female professionals. The age of the participants ranged from 20 to 65 years with a mean of 31.9 ( $SD = 6.28$ ). The respondents consisted of two distinct professional groups: a police group ( $n = 270$ ; 81%) and a psychologist group ( $n = 63$ ; 19%). There was a statistically significant difference between number of years of work experience in the psychologist group ( $M = 9.62$ ;  $SD = 8.99$ ) and the police group ( $M = 6.88$ ;  $SD = 3.40$ ),  $t(327) = 3.92$ ,  $p < .001$ ,  $d = .55$ .

A majority of respondents (66%) reported that they had never read an article, a book or attended a seminar on eyewitness psychology or the application of memory in legal settings. Moreover, a majority of respondents (63%) reported no previous exposure to educational materials related to children as witnesses and eyewitness memory. A majority of respondents (65%) had previously been directly involved in a case in which children appeared as witnesses. In the group comprising psychologists only 13 respondents (20%) had experience with being expert witnesses in a trial. They were mostly clinical psychologists working in a hospital or private clinic, or at a university as a lecturer.

## **Materials**

The first section of the questionnaire comprised items assessing knowledge about eyewitness testimony and eyewitness memory, adapted from Magnussen and colleagues (2008) and Wise and Safer (2004). These were presented as statements (e.g., *an eyewitness's perception and*

*memory for an event may be affected by his or her attitudes and expectations*). As Indonesia has adopted a civil law legal system in which decisions are made by a panel of three judges (and not juries), we adapted item 12 (*“jurors can distinguish between accurate and inaccurate eyewitnesses”*), changing “jurors” to “judges”, to better fit the context of our study. Respondents were asked to indicate if they believed these statements to be true or false or if they agreed or disagreed. Correct responses were coded as 1 and incorrect responses were coded as 0. For each participants, we calculated a total score and a correction-for-guessing score to eradicate the chance achievement involved in the scores. The formula is:  $(D - Y) / (k - 1)$  which D is the number of questions answered correctly, Y is the number of questions answered incorrectly, and k is the number of choices (Şenel, 2015). The 12 items evaluating knowledge of these topics are in Appendix 1. A similar questionnaire has previously been administered to assess knowledge levels among Italian defense attorneys (Magnussen et al., 2013), Norwegian judges, jurors and general public (Magnussen et al., 2008, 2010; Wise & Safer, 2004), and U.S. attorneys (Wise et al., 2009). One change that we made was to remove the neutral “neither agree nor disagree” option. Although this complicates comparisons with previous data, it was deemed necessary to prevent participants from answering neutrally, which was a real possibility given the esoteric nature of the questions for many in this sample. This forced choice procedure has been used in previous related work as well (e.g., see Erens et al. (2020) using a forced choice method with a Dutch sample).

The second section consisted of 12 items assessing knowledge and beliefs about children as eyewitnesses (numbered 13 – 24). All items were also used by Kostopoulos and colleagues (2019). Five items (no. 13, 14, 15, 17, 18) were about the reliability of child witness accounts based on current scientific knowledge. Another five items (no. 19, 20, 21, 22, 24) were about child reliability issues that were judged as less straightforward according to current scientific knowledge (Kostopoulos et al., 2019). Finally, two items (no. 16, 23) were about indicators of credibility of young child witnesses. For the items in this entire section, respondents were instructed to think of a 3- to 6-year-old child in answering the question and then indicated their level of agreement using a 5-point Likert scale (from 1 = *strongly disagree* to 5 = *strongly agree*). Responses were recoded to three categories (1 = *strongly disagree or disagree*, 2 = *neither agree nor disagree*, 3 = *agree or strongly agree*) for analysis. Responses were coded as correct if participants’ response was either agree or strongly agree to a favorable statement and

either disagree or strongly disagree to an unfavorable statement. The 12 items (numbered 13 – 24) evaluating knowledge related to children as witnesses are presented in Appendix 2.

Respondents were also asked to provide demographic information concerning their age, gender, profession, years of work experience, estimated number of cases in which respondents had worked with children as witnesses, and experience with literature, seminars or educational materials about eyewitness memory and children as witnesses. Furthermore, we asked respondents of their opinion regarding the importance of more teaching in psychology and law for lawyers, to provide an estimate of the number of wrongful convictions that would be partly influenced by eyewitness error (out of 100), and agreement or disagreement with the statement that only in exceptional circumstances should a defendant be convicted of a crime on the basis of eyewitness testimony alone. The items were translated to Indonesian following a back-translation procedure. The first author translated the English questionnaire into Indonesian. Subsequently, the items were back translated by a different translator. Final checks and changes were discussed and agreed upon by the first author and the translator.

## **RESULTS**

The participants' responses were collated and coded for accuracy. Table 4.2 presents the percentages of correct answers by the police group and the psychologist group for the items assessing knowledge of factors that affect eyewitness testimony and memory. Table 4.3 and 4.4 present the percentage of correct answers for both groups for items assessing knowledge and beliefs related to children as eyewitnesses.

**Table 4.2 Eyewitness topics and percentage of correct answers for the police and psychologist groups.**

<i>Topic</i>	<i>Police</i>	<i>Psychologist</i>	$\chi^2$	<i>P</i>	<i>V</i>	<i>OR</i> [95% <i>CI</i> ]
1. Effects of a hat*	86%	65%	12.98	< .001	.21	1.16 [-1.78 – -.54]
2. Minor details*	2%	11%	11.97	.001	.21	2.12 [-3.38 – -.87]
3. Attitudes and expectations	87%	97%	4.01	.045	.12	1.51 [.06 – 2.97]
4. Conducting line-ups*	29%	56%	15.54	< .001	.22	1.14 [.58 – 1.71]
5. Effects of post-event information*	83%	98%	9.12	.003	.18	2.57 [.57 – 4.57]
6. Confidence-accuracy*	9%	37%	28.57	< .001	.30	1.72 [-2.39 – -1.07]
7. Confidence malleability	65%	79%	4.08	.043	.12	.72 [.06 – 1.38]
8. Weapon focus	52%	56%	.15	.697	.03	.15 [-.40 – 0.70]
9. Mug-shot induced bias*	96%	84%	10.12	.001	.19	1.49 [-2.40 – -.58]
10. Line-up presentation format	77%	70%	.94	.332	.06	.35 [-.96 – .26]
11. Forgetting curve*	84%	62%	14.27	< .001	.22	1.18 [-1.78 – -.57]
12. Judges distinguish eyewitnesses*	16%	49%	29.85	< .001	.31	1.61 [-2.19 – -1.01]
Average accuracy across items	57%	64%				

*Note.* The Bonferroni correction for multiple comparisons was applied to the *p* values [ $.05/12 = .004$ ] and the significance threshold was set at .004. \* $p < .004$ ; (*V*) indicates Cramer's *V* effect size.

### **Eyewitness factors**

On the 12 eyewitness memory questions, the psychologists group had a higher average knowledge score ( $M = 7.63$ ;  $SD = 1.69$ ;  $CI\ 95\% = [7.21, 8.06]$ ;  $M_{\text{corrected-for-guessing}} = 3.27$ ;  $SD = 3.37$ ;  $CI\ 95\% = [2.44, 4.10]$ ) than the police officers group ( $M = 6.84$ ;  $SD = 1.64$ ;  $CI\ 95\% = [6.65, 7.04]$ ;  $M_{\text{corrected-for-guessing}} = 1.69$ ;  $SD = 3.29$ ;  $CI\ 95\% = [1.30, 2.08]$ ). An independent samples t-test revealed both mean differences, before and after correction, to be statistically significant,  $t(331) = 3.41$ ,  $p = .001$ ,  $d = .48$ .

For the police officers group, the percentage of correct responses on individual items ranged from 2% (Minor details item) to 96% (Mug-shot induced bias item), with an average accuracy of 57% across items. For the psychologists group, the percentage of correct responses ranged from 11% (Minor details) to 98% (the statement that post-event information can impact eyewitness testimony) with an average accuracy of 64% across items. For three items, the police officers group had a statistically significant higher percentage of correct responses compared with the psychologists group (assessing the effects of a hat; knowledge of mug-shot induced bias; and knowledge of the forgetting curve). For five items, the psychologists group had a



statistically significant higher proportion of correct responses compared with the police officers groups (minor details; conducting line-ups; effects of post-event information; the confidence-accuracy relationship; and for the item assessing beliefs related to jurors' ability to distinguish eyewitnesses). No statistically significant difference in accuracy was observed for four items: attitudes and expectations; confidence malleability; weapon focus; and line-up presentation format.

**Table 4.3 Children as eyewitnesses topics and percentages of correct answers for the police and psychologist groups.**

<i>Topic</i>	<i>Police (e)</i>	<i>Psychologist (e)</i>	$\chi^2$	<i>P</i>	<i>V</i>
13. Tell the truth	78% (.2)	71% (-.5)	2.11	.35	.08
14. Remember more details	25% (-.3)	30% (.6)	2.66	.26	.09
15. More vulnerable to influence	81% (0)	79% (-.1)	.81	.96	.02
16. Having verbal skills is more credible	32% (.1)	30% (-.2)	.24	.89	.03
17. Less accurate memory*	55% (-.4)	65% (.8)	12.05	.002	.19
18. Less susceptible to authority influence*	30% (-1.8)	64% (3.6)	35.68	<.001	.33
19. Detailed and rich memories are correct*	12% (-1.3)	29% (2.7)	25.47	<.001	.28
20. Remember traumatic memories worse than adults*	20% (-1.5)	43% (3)	21.13	<.001	.25
21. Repression of traumatic memories*	57% (1.3)	27% (-2.7)	18.53	<.001	.24
22. Later understanding of an assault	77% (-.1)	81% (.3)	.69	.71	.05
23. Easier to detect children lying	14% (-1.1)	29% (2.4)	9.28	.01	.17
24. More likely to give true accounts*	7% (-.6)	13% (1.2)	18.81	<.001	.24
Average accuracy across items	41%	47%			

The Bonferroni correction for multiple comparisons was applied to the *p* values [ $.05/12 = .004$ ] and the significance threshold was set at .004. \*  $p < .004$

(*V*) Indicates Cramer's *V* effect size; (*e*) refers to standardized residual.

**Table 4.4 Children as eyewitnesses topics: Distribution of responses (in percentage).**

Topic	Strongly Agree		Agree		Neither agree nor disagree		Disagree		Strongly Disagree	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
13. Tell the truth	<b>26</b>	<b>14</b>	<b>52</b>	<b>57</b>	10	16	8	11	4	2
14. Remember more details	12	8	51	44	12	18	<b>24</b>	<b>29</b>	<b>1</b>	<b>1</b>
15. More vulnerable to influence	<b>18</b>	<b>11</b>	<b>63</b>	<b>68</b>	5	6	11	13	3	2
16. Having verbal skills is more credible	8	8	46	46	14	16	<b>29</b>	<b>28</b>	<b>3</b>	<b>2</b>
17. Less accurate memory*	3	0	30	13	12	22	<b>50</b>	<b>59</b>	<b>5</b>	<b>6</b>
18. Less susceptible to authority influence*	8	5	54	16	8	15	<b>26</b>	<b>53</b>	<b>4</b>	<b>11</b>
19. Detailed and rich memories are correct*	19	8	60	39	9	24	<b>11</b>	<b>29</b>	<b>1</b>	<b>0</b>
20. Remember traumatic memories worse than adults*	28	11	48	37	4	9	<b>17</b>	<b>41</b>	<b>3</b>	<b>2</b>
21. Repression of traumatic memories*	4	11	31	48	8	14	<b>50</b>	<b>27</b>	<b>7</b>	<b>0</b>
22. Later understanding of an assault	<b>11</b>	<b>14</b>	<b>66</b>	<b>68</b>	7	8	14	9	2	1
23. Easier to detect children lying	15	9	64	52	7	10	<b>13</b>	<b>27</b>	<b>1</b>	<b>2</b>
24. More likely to give true accounts*	15	10	69	51	9	27	<b>6</b>	<b>11</b>	<b>1</b>	<b>1</b>

Note. (1) Police (2) Psychologist

**Bold** indicates the most correct response according to current research.

The Bonferroni correction for multiple comparisons was applied to the  $p$  values [ $.05/12 = .004$ ] and the significance threshold was set at .004; \*  $p < .004$ .

### Children as eyewitnesses

Similar to the domain of eyewitness memory in general, the average knowledge score of the psychologist group ( $M = 5.60$ ;  $SD = 1.55$ ;  $CI\ 95\% = [2.56, 8.63]$ ) was higher than the police group ( $M = 4.88$ ;  $SD = 2.06$ ;  $CI\ 95\% = [0.84, 8.91]$ ). An independent samples t-test revealed this difference to be statistically significant,  $t(331) = -3.11$ ,  $p = .002$ ,  $d = .37$ . For the police officers group, the percentage of correct responses for items related to children as eyewitnesses ranged from 7% (for the statement that a child witness being interviewed is more likely to give true accounts than adults) to 81% (for the statement that a child witness is more vulnerable to influence than adults) with an average accuracy of 41%. For the psychologists, the percentages of correct responses ranged from 13% (for the statement that a child witness being interviewed is more likely to give true accounts than adults) to 81% (for the statement that children that experience assault when too young to understand this can later come to understand the experience as an assault) with an average accuracy of 47%.

For five items, the psychologist group had a statistically significant higher percentage of correct responses when compared with the police group: less accurate memory; less susceptible to authority influence; detailed and rich memories means the child often remembers correctly;

children remember traumatic memories worse than adults; and for the statement that children are more likely to give true accounts of events.

Interestingly, the police group had a higher proportion of correct responses than the psychologist group for a single item only: the repression of traumatic memories. No statistically significant difference in accuracy was observed for the remaining six items, comprising the following statements: children usually tell the truth about crimes they have experienced; children remember more details than adults about events they experienced; children's memory for an event is more vulnerable to subsequent influence than adults'; a child who has the verbal skills of an older child is perceived as more credible; young victims can come to understand their experience as an assault later on as adults; and it is easier to detect children lying than adult lying.

### **Correlates of knowledge scores**

A Pearson  $r$  correlational analysis revealed a non-significant relationship between knowledge of eyewitness factors and knowledge of children as eyewitnesses. We conducted  $t$ -test analyses to explore the relationships between knowledge score and other dichotomous variables: the personal exposure experience to educational material; the perception of the importance of psychology and law teaching for lawyers and agreement that only in exceptional circumstances a defendant could be convicted solely on the basis of eyewitness testimony. Moreover, we conducted Pearson  $r$  correlational analyses exploring the relationships between knowledge scores and other continuous variables, including years of experience and the estimated proportion of wrongful convictions ( $M = 20.59$ ;  $SD = 21.39$ ). We did not find any statistically significant relationship between knowledge scores and these other variables.

## **DISCUSSION**

In the current study, we examined the knowledge of Indonesian police officers and psychologists regarding eyewitness factors and children as eyewitnesses. The present study is the first to explore knowledge of these topics among professionals in Indonesia, and the first to explore this among police officers and psychologists in a non-WEIRD context. In both domains, the psychologist group scored significantly higher than the police group, yet overall the results also

suggest that both groups lacked knowledge about important factors affecting the memory of eyewitnesses, and about children as eyewitnesses.

The average accuracy for items assessing knowledge of eyewitness factors in the police officers group was 57%, and the average accuracy in the psychologists group was 64%. There was a statistically significant difference in accuracy between these two groups so that, overall, psychologists were more knowledgeable concerning eyewitness testimony issues than police officers. At the level of items, accuracy was higher for seven items in the psychologists group, and for three items in the police officers group. Our analyses showed that the groups performed significantly differently on many items but also that these differences had mainly small effect sizes.

Low accuracy was observed for both groups with regard to several items that concerned issues that are well-established within the field. The lowest accuracy was observed for the statement of minor details as an indicator of accuracy, where the empirical evidence is quite strong against the claim (Deffenbacher et al., 2004; Wells & Olson, 2003). Remarkably, only four police participants and seven psychologist respondents provided the correct answer. Even though the psychologists group scored higher than the police group, only 11% answered correctly. Furthermore, the majority of respondents (91% in the police group; 63% in the psychologists group) incorrectly endorsed the statement that eyewitness's confidence is a good predictor of accuracy of identification. The research literature shows a weak relationship between eyewitnesses' confidence and their accuracy (Deffenbacher, 1991; Memon et al., 2003, Sporer et al., 1995), notwithstanding evidence that the relationship is stronger when optimal procedures are followed (Wixted & Wells, 2017). Moreover, expressions of confidence obtained in the courtroom are likely to be misleading (Brewer, 2006).

The scientific consensus regarding whether judges are able to distinguish between accurate and inaccurate eyewitnesses would be that they are not able to do so (Ekman & Sullivan, 1991; Granhag et al., 2005; Wise & Safer, 2004). Somewhat worryingly, a large majority (84%) of the police sample (and 51% of the psychologist sample) agreed incorrectly with this statement. Perhaps police participants as actors in the legal system are particularly biased to overestimate the ability of judges to identify whether eyewitness statements are accurate or not.

Low accuracy was also observed for the item concerning the use of a double-blind line-up procedure. It is well documented that failure to use a double-blind procedure risks contaminating any identifications (Kovera & Evelo, 2017). Around half of the participants from the psychologists group and only around one-third of police participants correctly agreed with this item. The low proportion of correct responses in the police group is quite alarming, as improper practices during forensic investigation are well-known to be a factor that contributes to wrongful convictions (e.g., Saks & Koehler, 2005).

The present data allowed a comparison between Indonesian police and psychologists with their counterparts elsewhere because several studies have used identical items. Recall that in the present study the items were forced choice, with no neutral alternative. This will give the Indonesian sample an advantage over participants who had such a response alternative. Benton and colleagues (2006) evaluated knowledge in a U.S. sample of law enforcement personnel and our data are quite similar to theirs. On the issues of the influence of attitudes and expectations on memory, post-event information and the malleability of confidence, both samples gave high proportions of correct responses. Thus, for these items, the results of the current study suggests a comparable level of knowledge among Indonesian and U.S. police officers. On the other hand, comparing items also used by Wise and colleagues (2011) in a sample of US police officers, we observed lower accuracy for the items on the topics of minor details and the confidence-accuracy relation, despite the easier question format used here.

As for knowledge of eyewitness factors, the average accuracy with regard to the items assessing knowledge of children as eyewitness in criminal cases was low for both groups in the current study. Overall accuracy for psychologists (47%) was significantly higher than the accuracy of the police group (41%). A large majority of respondents in both groups incorrectly answered the three items concerning the reliability of child witness accounts. First, they agreed with the statement that children remember more details compared to adults, which is in fact not supported by the evidence. Indeed, it is well-established that adults' episodic memory is better than children's, in terms of the number of details reported (Eisen et al., 2007; Pozzulo et al., 2009). Second, few respondents (12% in the police group; 29% in the psychologist group) correctly believed that when a child's statements are detailed and rich that does not mean that the statements are accurate. Indeed, there is no evidence showing that a detailed and rich statement is a good cue to the memory being correct. For example, Bernstein and Loftus (2009) argued that

there were no reliable ways to discern between true and false memories. Therefore, in terms of the present item, it means that detailed and rich memories may for example be based on a false memory or confabulation.

Finally, we observed that very few of the respondents (7% in the police group; 13% in the psychologists group) accurately disagreed with the statement that compared to adults a child witness being interviewed is more likely to provide true accounts of an event. This item was judged as less straightforward by Kostopoulos and colleagues (2019) as the scientific consensus is less clear. In research on forensic interviewing of children, it is a well-documented result that if a child is interviewed properly according to recommended practice, the child will generally report past experiences correctly. They may report fewer details than older children and adults but with the same proportion of correct statements (Lamb et al., 2018).

Based on the aforementioned findings regarding the general believability of a child witness, the respondents generally believed that children can be good eyewitnesses, which is in line with previous findings (Otgaar et al., 2018). We noticed that a majority of respondents in both groups (55% in the police group; 65% in the psychologist group) disagreed with the statement that children have less accurate memory for events than adults.

Nonetheless, it seems that especially the respondents in the police group tend to overestimate children's ability as witnesses: the majority viewed the child witness as being less susceptible to authority influence, and more likely to give true accounts of an events compared to an adult witness. Whereas 64% of the psychologists correctly rejected the statement that children are less susceptible to influence from authority, only 30% of the police sample did the same. This suggests that police may underestimate the effects of authority on inaccurate statements of children, and may require education in this in order to avoid false statements and false confessions. Furthermore, the majority of respondents in both groups incorrectly asserted that detecting a lie in a child is easier than in an adult. Taken together, these results imply that although respondents generally supported the idea that children can be better eyewitnesses than adults, they may underestimate children's suggestibility, thereby not showing sufficient appreciation of factors that may lead to inaccurate statements from the children. Similarly, the respondents appeared to overrate our ability to detect lying in children.

A striking finding was also observed regarding the issue of repressed memory, which, although widely believed to exist by laypeople, has received little empirical support (Otgaar et

al., 2019). The police group correctly doubted its existence at a higher rate than the psychologists (57% vs. 27%) for this item. This figure is very much in line with Melinder and Magnussen (2015) who reported that 39% of psychologists and psychiatrists who serve as expert witnesses believe, and 30% of those who don't serve as expert witnesses, expressed disbelief in repressed memories. Similarly, Patihis and colleagues (2014) noted that a majority of a sample of clinical psychologists believed that traumatic memories are often repressed, compared to lower rates for research-oriented psychologists. Thus, also in a non-WEIRD country psychologists seem to have a more accepting attitude towards the notion of repressed memories than the science warrants.

Although the psychologist group scored slightly better than the police group, we noticed the psychologists' knowledge of children as eyewitness is still limited. It seems reasonable to assume that the psychologist group would have received more education related to children's memory and frequently encounters this group as professionals. In the Indonesian national curriculum of bachelor in psychology, there are compulsory courses on developmental and cognitive psychology (AP2TPI, 2019), where both courses cover the topic of memory. Three quarters of the participants in the psychologists group were clinical psychologists. Being a clinician does not guarantee a better understanding of the phenomena of memory (Dodier, 2018; Dodier et al., 2019; Magnussen & Melinder, 2012; Melinder & Magnussen, 2015), and being an expert in clinical psychology by no means automatically means that one is also an expert on memory. Rather clinical psychologists are trained primarily in diagnosing and treating mental disorders, and, as our data also show, they have little exposure to aspects of cognition relevant in legal settings. Yet, Indonesian psychologists are involved in the legal arena as expert witnesses. Thus, this study demonstrates the need for increased training related to eyewitness memory and evidence for this group of professionals.

In our samples of Indonesian police officers and psychologists we observed what may be described as patchy knowledge of eyewitness memory and of how reliable children are as witnesses. We recommend increased training and knowledge transfer for professionals involved in criminal investigations, especially for those working directly with eyewitnesses and children as eyewitnesses. Indeed, education about the science of eyewitness memory plays a role in correcting false memory beliefs (Sauerland & Otgaar, 2021). Two thirds of the respondents reported that they had no experience reading an article, a book, or attending a seminar on eyewitness psychology or the application of memory in legal setting. Furthermore, a majority of

respondents (63%) also reported having no exposure on the course of children as witnesses and eyewitness memory in their education.

### **Limitations**

There are some important caveats associated with our findings. First, some survey items were presented in a forced-choice format: either true or false/agree or disagree. This format allows responses based on guessing without actually understanding the meaning of the statement. However, even with this advantage, the Indonesian police did not outperform their Western counterparts. Second, the number of respondents who were psychologists was relatively low. We faced the logistical difficulty of getting in touch with many of them. We mostly relied on an online platform to collect data from the psychologists group. Given that only 20% of participants in the psychologists group had experience as expert witnesses, perhaps other potential psychologists decided not to participate in the survey because they deemed the topic irrelevant to their professional interests.

### **Conclusion**

We found that Indonesian police officers and psychologists had less than optimal knowledge about aspects of eyewitness memory in general, and children as eyewitness in particular. Our findings align with those from other countries showing that professionals possess limited knowledge related with memory in the legal context. Replicating research in the area of legal psychology is needed as most legal psychological research has been conducted in Western countries. An absolute focus on novel results and a corresponding lack of attention to methodology has been implicated as a source of the replicability crisis (Giner-Sorolla, 2012). It is our contention that especially in the area of legal psychology in which research findings can have direct applied relevance, replication work is necessary. Our results underline the need of enhanced education or training in these domains to improve Indonesian professionals' knowledge of eyewitnesses' memory that can play a critical role during criminal investigations and in court.

In addition to having sufficient science-based knowledge on children's memory and its relevance to child forensic interviews, child forensic interviews might also be affected by the degree to which police investigators are exposed to case-irrelevant or -relevant information



before conducting the child forensic interview in a case (Powell et al., 2012). For example, police investigators frequently are aware of who the alleged perpetrator is. Such background information has the potential to bias police investigators, who might start to search for information that fits with the existing case information. Therefore, in the subsequent chapter, I will present an experimental study that examines the effect of background information concerning an alleged CSA victim on police investigators' judgment of the alleged victim's perceived credibility, their prediction of the investigation outcome and, more importantly, on the questioning style when interviewing the child.

## **CHAPTER 5**

### **Potential for Police Investigator Bias: The Impact of Child Sexual Abuse Victims' Background Characteristics on Perceived Statement Credibility, Case Outcome and Quality of Interview Questions**

This chapter is published as:

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## INTRODUCTION

Police investigators play a crucial role in handling cases concerning child sexual abuse. The investigation of child sexual abuse allegations is an arduous task because children's testimonies are often the only piece of evidence (Cross et al., 1994; Cross & Whitcomb, 2017; Herman & Freitas, 2010; Otgaar et al., 2017). In many jurisdictions, police investigators conduct child forensic interviews to obtain testimonies from alleged child victims. During such interviews, the ultimate goal is to obtain accurate statements, and this can be achieved by applying scientifically supported guidelines for interviewing children (e.g., rapport building, asking open-ended questions; Lamb et al., 2008).

Police investigators will often review available case information prior to conducting an interview with the alleged victim (Fessinger & McAuliff, 2020; Powell et al., 2012). Fessinger and McAuliff (2020) showed in their survey study in a US national sample of child forensic interviewers that respondents frequently had access to pre-interview information. Furthermore, forensic interviewers argued that pre-interview information about the child, the alleged abuse and disclosure would help in overcoming children's reluctance to talk about traumatic experiences, such as sexual abuse. Indeed, information about the child's developmental history, cultural background, and special needs might be useful when planning a forensic interview for the purpose of tailoring interview questions and being sensitive to each child's specific needs (Rohrbaugh et al., 2016). In addition, the allegation information might be useful in directing interview questions, interpreting children's responses, and introducing the topic of abuse when dealing with children's reluctance to disclose in response to open-ended questions (Saywitz et al., 1991). Fessinger and McAuliff (2020) noted that forensic interviewers tended to favor an interview approach in which they were fully informed about the specifics of the case before conducting an interview.

However, there is a potential downside to receiving allegation- or case-specific background information. That is, such background information could fuel cognitive bias and adversely affect decision-making in police investigators (Cronch et al., 2006; Rohrbaugh et al., 2016; Smith & Milne, 2011). Powell and colleagues (2012) demonstrated that police interviewers given prior information become biased and search for information that supports their prior beliefs.

Case background information may offer police investigators case features that could be taken into consideration when they predict a prosecution outcome. Previous studies revealed that some child sexual abuse case features predict prosecution outcome, for example, caregiver support (Duron, 2018) and older victims (Gray, 1993). Police investigators might (incorrectly) refer to these case features to attribute credibility to the victim's statement (O'Neal, 2019). Victims who are perceived as less credible tend to receive less desirable judicial outcomes than those who are perceived as more credible (Goodman-Delahunty et al., 2010).

Currently, there is a dearth of research that focuses on the effects of pre-interview information on forensic interviewing practices. Indeed, as Fessinger and McAuliff (2020) noted, there is a "need for future research examining the effects of pre-interview information on forensic interviews and children's reports" (p. 1). In the present experiment, we will examine this impact of pre-interview information on police interviewing practices, and related aspects (i.e., perceived victim credibility and estimates of case prosecution outcome).

### **Confirmation Bias in Criminal Justice Professionals**

Everyone is prone to develop confirmation bias including workers in the criminal justice system (e.g., police officers) (Charman et al., 2017; Cooper & Meterko, 2019; Curley et al., 2019; Rassin et al., 2010). Confirmation bias refers to the phenomenon that leads people to merely look for evidence that confirms prior beliefs about a case and ignore potentially conflicting or alternative evidence (Balcetis & Dunning, 2006; Kassin et al., 2013; Nickerson, 1998). For example, when police investigators are convinced that the alleged victim is lying, based on controversial pre-interview evidence, they may no longer be open to the alternative scenario in which the alleged victim is telling the truth. According to Kassin (2005), once people form an impression, they unwittingly seek, interpret, and create scenarios to verify it.

Empirical findings suggest that confirmation bias can affect criminal proceedings, especially in dealing with suspects. For example, Rassin and colleagues (2010) asked law students to read a case file which contained either guilt-confirming (incriminating) or disconfirming (exonerating) information and asked them to plan a police investigation. They found that the investigation plan was guided by participants' prior belief about the suspect's guilt versus innocence. Participants who had read a case concerning a more serious crime, together with strong evidence associated with higher conviction rates, tended to select guilt-confirming

investigation options (Rassin et al., 2010). Confirmation bias has also been shown to adversely affect police investigators in handling homicide cases (Ask & Granhag, 2005), and other violent crime cases (Meissner & Kassin, 2002). Thus far, empirical studies have largely focused on confirmation bias regarding suspects of a crime (Ask & Granhag, 2005; Ask et al., 2008; Dror, Charlton, & Peron 2006; Meissner & Kassin, 2002; Rassin et al., 2010), rather than (alleged) victims of crime.

It has been postulated that confirmation bias operates via two mechanisms: selective information search and biased interpretation of available information (Ask & Granhag, 2005). Confirmation bias is highly relevant in child sexual abuse cases because in such cases, the police is often exposed to different types of background information (e.g., about the alleged crime, suspect, and victim). Consequently, the police possess a substantial amount of information before conducting a forensic interview with the alleged victim. Ceci and Bruck (1995) explained that confirmation bias in a forensic child interview context is observed when interviewers ask questions that include details that were not yet mentioned by the interviewee. These details can often be derived from background information. Background information can jeopardize the neutrality of the forensic interview and might negatively affect the way police investigators ask questions (Rivard et al., 2015). Indeed, previous research has suggested that forensic interviewers' preexisting beliefs can affect the quality and content of interviewers' questions and how children's statements are interpreted (Goodman et al., 1995; Powell et al., 2012; White et al., 1999).

There is limited empirical research concerning confirmation bias related to alleged victims. We identified three studies examining this issue (e.g., Hughes-Scholes et al., 2014; Koppelaar et al., 1997; Powell et al., 2012). Koppelaar and colleagues (1997) showed that an expectancy-confirming strategy guided the gathering of information during an interview with a victim. Participants asked more questions when they had previously been given negative information on the victim's credibility. Hughes-Scholes and colleagues (2014) suggested that police officers relied on unscientific indicators when evaluating child victims' statements, such as the indicator that showing few hesitations when reporting real abuse and children's response is consistent with recollecting an authentic traumatic event. Furthermore, Powell and colleagues (2012) revealed that participants, who were given biasing information (i.e., non-experienced details of an event that may or may not have occurred), asked more leading questions than

participants who had not received the biasing information. Hence, in the present experiment, we examined whether potentially biasing background information concerning a child victim of sexual abuse might affect police investigators' interview questioning.

Importantly, background information might be relevant to a case, such as information about the age of the victim, but also irrelevant, such as dating relationship (see Found & Ganas, 2013; Risinger, 2009; Risinger et al., 2003). Irrelevant contextual information can refer to information composed of unsupported assumptions, or information that includes improper expectations and motivations (Stoel et al., 2014). Moreover, when irrelevant information engages the emotions of the police investigator, the stronger the biasing effect will be (Bollingmo et al., 2008). For example, in child sexual abuse cases, if a victim is described as a good child with high academic achievement, polite, and well-behaved, this might create a positive attitude toward the victim and also a positive emotional response, such as empathy with the victim. Conversely, if a victim is described as a bad child with a history of lying, disobedience, and inappropriate sexual behavior, it might lead to less empathy with the victim (Collins, 2016). Essentially, stereotypical beliefs about rape victims can impact legal evaluation in sexual abuse cases (Kopelaar et al., 1997).

Although it seems evident that exposure to irrelevant information may engender bias in police investigators, even relevant information might be perilous. Importantly, in the current experiment, we presented police investigators with both relevant and irrelevant background information and examined the effect of this on their credibility ratings of the victim's report, their prediction of case outcome and the type of questions in their interview plan.

### **The Present Experiment**

A substantial number of studies have examined confirmation bias in criminal investigations caused by exposure to background information regarding the case. Previous studies used different terms to explain this type of information: (non) biased information (Bollingmo et al., 2009), (ir-)relevant contextual information (Dror et al., 2006), background information (Ask & Granhag, 2005), specific information (Rivard & Compo, 2017), or pre-interview information (Rivard et al., 2015). In these studies, the information was mostly related to the crime or the suspect. In the present experiment, we use the term *background information* to refer to information about the alleged victim of child sexual abuse. Specifically, we examined the effect of background information about the victim (age and character traits) on the perceived credibility

of the victim's statement, the predicted prosecution outcome, and the type of questions written in an interview plan. We involved Indonesian police investigators as participants because they are mandated to conduct child forensic interviews with alleged victims as part of a criminal investigation at a Children and Women police unit (UU No. 17, 2016). In Indonesia, a child forensic interview session with an alleged victim is arranged based on an initial report at the police front desk unit (PERKAP No. 6, 2019). This means that a police investigator who is assigned to conduct the interview will always possess some knowledge about the case based on an initial report.

We presented police investigators with a case vignette in which a child victim reported a sexual abuse allegation to the police. Half of the participants received information stating the girl was 5 years old, while the other half received information that the girl was 15 years old. This was done because research has shown that young children are often viewed as less credible witnesses than older children (Bala et al., 2005; Bruck & Ceci, 1999), although in certain circumstances younger children are actually less susceptible to making erroneous statements than older children and adults (e.g., Brainerd & Reyna, 2012; see also Otgaar et al., 2019). Additionally, research with undergraduate students has shown that people in general are more emotionally disturbed by reports from younger children than older children, which can lead them to show more empathic concern (Levin et al., 2017). Based on Levin and colleagues' work (2017), we hypothesized that the statement of a 5-year old child concerning sexual abuse would be perceived as more credible than the 15-year old victim's statement, because police investigators' empathy with the younger victim would outweigh their concerns about the credibility of the younger victim's statement.

Furthermore, one third of the participants received information describing the victim as having a bad character (e.g., a history of lying), while the others received information that the victim had a good character (e.g., being honest). One third of the participants did not receive any information regarding the victim's character. The reason for this manipulation in the background information was that research shows that female victims depicted as bad characters are more often blamed for their circumstances, while good character victims gain more sympathy (Greer, 2007). Moreover, good character victims are more frequently described as innocent and telling the truth while bad character victims are viewed as culpable and/or likely to make false reports, because they are considered having jeopardized their safety through a series of bad decisions (Collins, 2016).

We studied the following dependent variables: perceived reliability of the victim's statement, degree of suspect guilt, likelihood of the allegation being confirmed by corroborative evidence, the extent of the victim's contribution to the occurrence of the abuse, the prediction of the likelihood of case withdrawal, drop-out, or prosecution, and the proportion of invitation, directives, option-posing and biased questions. Our hypotheses were the following:

Participants who read the case of the younger victim and/or the 'good character' victim would perceive the victim as more credible (perceived the victim's statement as more reliable; contributed less to the occurrence of the abuse; higher degree of suspect's guilt; and predicted a higher likelihood that the allegation would be confirmed by corroborative evidence) than participants who read the case of the older victim and either the 'bad character' victim or the victim without extra background information about her character (Hypothesis 1; H1).

Participants who read the case of a younger victim and/or the 'good character' victim would be more likely to be prosecuted, less likely to be dropped-out or withdrawn compared to the case of the older victim or/and either the 'bad character' victim or the victim without extra background information about her character (Hypothesis 2; H2).

Participants who read the case of younger victim and/or the 'good character' victim would include more open-ended (invitations) and fewer biased questions compared to the case of the older victim or/and either the 'bad character' victim or the victim without extra background information about her character (Hypothesis 3; H3).

## METHOD

### Participants

Hundred-eighty participants were needed, based on an a priori power analysis using G\*Power (Faul et al., 2007) for performing  $F$  tests in a repeated measures ANOVA, with a power of .95,  $\alpha$  of .05 and an anticipated effect size  $f = .25$  (medium). This effect size was anticipated based on Bollingmo and colleagues (2009) who found a significant medium effect of types of information on the credibility of witnesses ( $\eta_p^2 = .057$ ). Data were collected as part of workshops the first author provided to the police in Greater Jakarta, Indonesia. During these workshops which were part of the Indonesian National Police (INP) education program, 369 Indonesian National Police (INP) investigators were recruited. However, for our main analyses, only 357 participants were included because they completed all measures. Our actual sample sized was more than the



expected number needed based on the power analysis. The main reason was that the number of police investigators as eligible participants who attended the workshop exceeded the required number that we had asked in our letter to the stakeholder at the INP.

A sensitivity analysis was conducted using G\*Power for an  $F$ -test of MANOVA with two predictors variables, six number of groups, our total sample size for the main analyses ( $N = 357$ ), a power of .95,  $\alpha$  of .05., and an anticipated effect size  $f = .25$  (medium). Our analysis showed that our study was acceptably powered to detect an effect size of  $f^2 = .047 \sim f = .22$  (medium).

Participants were 90% male ( $n = 329$ ). Their age ranged from 20 to 49 years ( $M = 30.96$ ,  $SD = 6.04$ ). The majority of participants worked in a Crime Investigation Unit ( $n = 318$ ; 86%) with on average 8.37 years ( $SD = 5.49$ ; range = 1-23) experience as a police investigator. Forty-two percent of participants had direct experience working with child sexual abuse cases ( $n = 150$ ). The average number of child sexual abuse cases handled per participant was 17.67 in their whole career ( $SD = 36.14$ ; range = 1-200) and 8.49 during the past year ( $SD = 21.92$ ; range = 0 – 100).

This study was part of a larger research project for which the Ethical Review Committee of the Faculty of Psychology and Neuroscience Maastricht University granted ethical approval (ERCPN-182\_02\_09\_2017). We preregistered this study at the Open Science Framework (OSF) website: <https://osf.io/xkazn>. The data can be accessed at: <https://osf.io/de6rv/>. We also added a file explaining the variables (see: <https://osf.io/4w7ur/>) and the syntax of our data analyses (see: <https://osf.io/q8whx/>).

## **Design and Procedure**

We used a 3 (Alleged victim character: good versus bad versus neutral) x 2 (Age of the alleged victim: 5 vs. 15 years old) between subjects design (see Table 1 for the number of participants in each condition). After participants read through the research information page and gave written consent, participants were asked to complete the Belief in a Just World questionnaire.

Subsequently, participants read the case vignette, in which we manipulated the information about the alleged victim's age and character (for all versions of our case vignette, see:

<https://osf.io/gvyar>), after which they rated the perceived credibility of the victim and provided a prediction of the case outcome. Then, participants were asked to create a list of questions in order to obtain forensically relevant details from the victim in the case vignette. Subsequently,

participants completed the rape myth acceptance questionnaire (the result of the rape myth acceptance and belief in a just world questionnaires will not be reported in this paper but can be found in the supplemental material: <https://osf.io/47vby/>). Finally, participants provided demographic information. To ensure that participants actually read and remembered the case vignette, participants were asked to recall the age and the character traits of the alleged victim as a manipulation check. However, we used the manipulation check only in the last two workshops. No participants were excluded based on the manipulation check. A version of all materials provided to participants can be found at <https://osf.io/h5vy6>.

**Table 5.1 Distribution of participants for each condition ( $N = 369$ ).**

	Age 5 victim ( <i>n</i> )	Age 15 victim ( <i>n</i> )
Control Group	58	56
Victim as good-character girl	63	59
Victim as bad-character girl	59	60

## Materials

**Case Vignette.** All materials were translated from the authors' approved English version into Bahasa Indonesia by the first author as a native speaker. There were six versions with six different case vignettes representing six experimental conditions, to which participants were randomly assigned. Specifically, we manipulated two independent variables in the case vignette: information about the alleged victim's age: 5 vs. 15 years old, and character: bad-character, good-character, vs. no information about character as a control condition. All participants received general information about the girl: name, age, current education, family and socioeconomic status background. Subsequently, all participants were informed about the mother's report concerning the allegation to the police. Then, based on the idea of being a good and bad victim (Collins, 2016), we manipulated information of the victim's character into a good and bad character. In the good-character condition, the alleged victim was depicted as a lovely, nice, and adorable child, having no complaints from parents, teachers and friends. In addition, the alleged victim was described as an honest person. In the bad-character case vignette, the alleged victim was described as a rebellious and aggressive child. Parents, teachers, and peers complained about her. The alleged victim had a history of lying and rule-breaking. In the 15-year old alleged victim condition, the victim was described as having a dating relationship and being sexually active. Furthermore, the bad-character victim was also described as being involved in

some risk-taking behaviors, such as smoking and drinking alcohol. These last two details for the bad-character victim, dating and risk-taking behavior, were not mentioned for the 5-year old alleged victim. Instead, we added to the 5-year old alleged victim with the bad character that the girl came from a disadvantaged parental background: divorced parents without a stable income. This additional information was a mere addition and not directly related to the child's character. However, coming from a disadvantaged family background can increase the risk of children becoming a victim of sexual violence (Kurniasari, 2016).

**Perceived Credibility and Case Outcome.** Participants were asked to make judgments about the allegation and the victim. Four questions assessed participants perception of the victim's credibility: (1) the reliability of the alleged victim's report (from 1 = *definitely not reliable at all*, to 5 = *highly reliable*); (2) the alleged suspect's guilt (from 1 = *definitely not guilty at all*, to 5 = *definitely guilty*); (3) the likelihood that the allegation would be confirmed by corroborative evidence (from 1 = *the least*, to 5 = *the highest likelihood of being confirmed*); and (4) the extent to which the victim contributed to the occurrence of the abuse (from 1 = *not at all*, to 5 = *to a very high degree*).

Subsequently, participants were asked to predict the case investigation outcome using a Likert-type scale (from 1 = *the least* to 5 = *the most likely*) for three questions: (1) the likelihood of case withdrawal, referring to an outcome in which parents or the child decide to make a request to the police to stop the ongoing investigation; (2) the likelihood of case drop-out, referring to an outcome in which the case could not proceed because of a lack of corroborative evidence; and (3) the likelihood of case prosecution, referring to the case being accepted by the public prosecutor to file a charge. Lastly (4), participants were presented with a forced-choice question in which they were asked to predict the case outcome by choosing one of three options: withdrawal, drop-out or prosecution.

**Type of Questions in the Interview Plan.** Participants were also instructed to assume the role of the police investigator handling the case. They were asked to write down a list of questions as complete sentences, with the aim of obtaining details of the allegation during an investigative interview. They were encouraged to imagine that the alleged victim was sitting in front of them as interviewee.

All questions from the participants' work sheets were coded based on the National Institute of Child Health and Human Development (NICHD) interview Protocol utterance types

(Ahern & Lamb, 2017; Lamb et al., 2009). We only coded the substantive questions, that is, questions aimed to obtain substantive details of the allegation. We coded each question either as an invitation (e.g., *Tell me what happened*), directive (e.g., *Where did the abuse happen?*) or option-posing utterance (e.g., *Did the abuse happen only once or more than once?*). We could not use the suggestive question category because a question can only be coded as suggestive in case an interviewer introduces information that an alleged victim/interviewee has not provided yet. However, in the present experiment, police investigators were not actually interacting with an interviewee.

Therefore, we created a separate question category: biased questions. A biased question was defined as a question which could potentially be suggestive and includes or presumes details that were mentioned in the case vignette as pre-interview information. In addition, a biased question can also refer to a question which tends to blame the alleged victim and imply certain assumptions or prejudices about the allegation. We developed the category of biased questions inspired by a systematic review by Sleath and Bull (2017) regarding police perceptions of blaming, responsibility attributed to rape victims and rape myth acceptance. Biased questions based on blaming victims and endorsing rape myth acceptance were: (1) asking the reason for not physically resisting or saying ‘no’ during the abuse (e.g., *Did you tell him to stop?*); (2) asking the victim about the clothes she wore on that day (e.g., *Did you wear a sexy outfit?*); and (3) asking personal questions related to the dating relationship and sexuality (e.g., *Have you ever experienced sexual intercourse before?*). Furthermore, we also categorized questions that: (4) asked the alleged victim the reason for the incident (e.g., *Why did the suspect touch you?*) as biased questions, because these deviate from the aim of a child forensic interview to obtain factual details rather than tentative explanations. Finally, we added two more types of biased questions: (5) introducing the abuse by exposing the alleged victim to a particular word to represent the child sexual abuse (e.g., *Did he rape you?*); (6) introducing the suspect, by mentioning the name of the suspect provided in the case vignette in the question (e.g., *Do you know Jaka?*). The last type of biased question does not follow child forensic interview best practices in which an alleged victim gets the opportunity to first introduce the abuse, including the alleged suspect.

### **Interrater Reliability**

Twenty percent ( $n = 60$ ) of participants' interview plans were randomly selected for coding to assess interrater agreement by the first author and an Indonesian doctoral candidate in legal and forensic psychology. We applied Cohen's weighted Kappa ( $\kappa_w$ ) for the substantive questions category because these variables are ordinal; we counted the observed numbers for each question category. We found the  $\kappa_w$  coefficient was .84 for invitations ( $p < .001$ ; 95% CI [.71, .97]), .81 for directives ( $p < .001$ ; 95% CI [.71, .90]) and .84 for option-posing questions ( $p < .001$ ; 95% CI [.74, .93]). For the biased questions, we applied Cohen's  $\kappa$  as these variables are nominal: 1 = *present* and 0 = *not present* in a participant's interview plan. For all types of biased questions,  $\kappa$  coefficients ranged from .90 (asking personal questions related to the dating relationship and sexuality) to 1.00 (asking about the alleged victim clothes) (all  $p$ 's  $< .001$ ). All Cohen's  $\kappa_w$  and  $\kappa$  values indicate excellent agreement between raters (Cohen, 1960; Hallgren, 2012).

## **RESULTS**

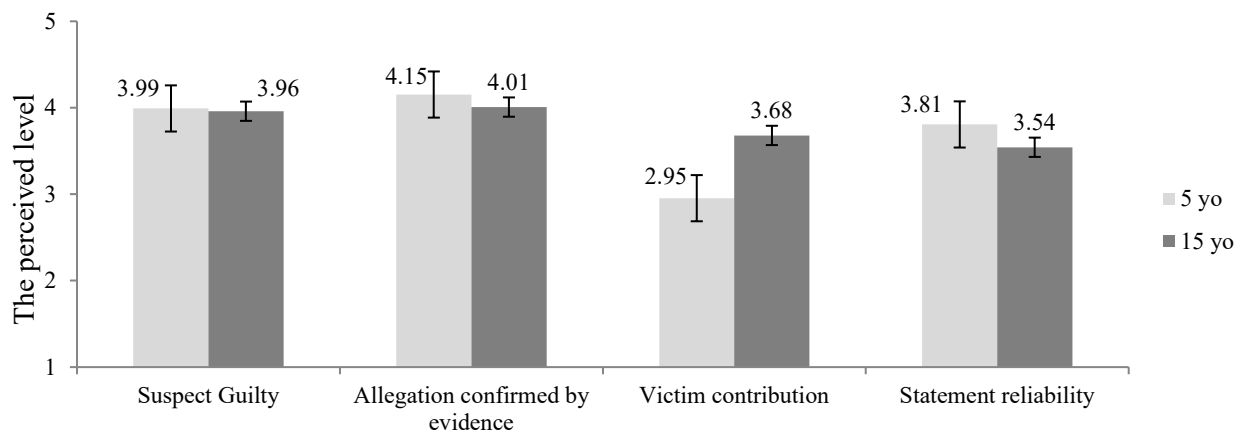
### **Confirmatory Analyses**

We tested the effect of (ir-) relevant background information (age and character of the alleged child sexual abuse victim) on perceived credibility (victim's statement reliability, victim's contribution, suspect's guilt, and allegation confirmed by other evidence) and on the prediction of each possible outcome (withdrawal, drop-out, and prosecution) by using a multivariate analysis of variance (MANOVA). We deviated from our preregistered analytic plan in which we had planned separate factorial ANOVAs for each dependent variable (DV). We preferred to include several DVs in a single analysis by using MANOVA, in order to detect associations between multiple dependent variables and to minimize Type 1 error. We now report the result of our pre-registered analyses in our supplemental material at <https://osf.io/uxf27>.

We found statistically significant main effects for age of the alleged victim ( $F(7, 345) = 5.079, p < .001$ , Wilk's  $\Lambda = .907, \eta_p^2 = .093$ ), and for the alleged victim's character ( $F(14, 690) = 2.784, p < .001$ ; Wilk's  $\Lambda = .896, \eta_p^2 = .053$ ) on both perceived credibility and prediction of case outcome. This finding is in line with our prediction that the background information about the alleged child sexual abuse victim's age and character affected the perceived credibility and case outcome. We found no statistically significant interaction effect ( $F(14, 690), p = .88, \eta_p^2 = .014$ ).

### The Effect of Our Independent Variables on the Dimension of Perceived Credibility

The univariate follow-up tests, using ANOVA, revealed a statistically significant main effect for age of the alleged victim on the perception of the victim's contribution to the occurrence of the abuse (see Figure 5.1),  $F(1, 351) = 22.23, p < .001, \eta_p^2 = .06$ . Participants who received information that the alleged victim was 15 years old rated the victim's contribution as significantly higher ( $M = 3.68, SD = 1.25, 95\% \text{ CI } [3.46, 3.89]$ ) compared to the case vignette in which the alleged victim was 5 years ( $M = 2.95, SD = 1.64, 95\% \text{ CI } [2.74, 3.41], p < .001, d = .50$ ). There was no statistically significant effect on the other three credibility ratings (suspect guilt, allegation likely to be confirmed by other evidence, and statement reliability).

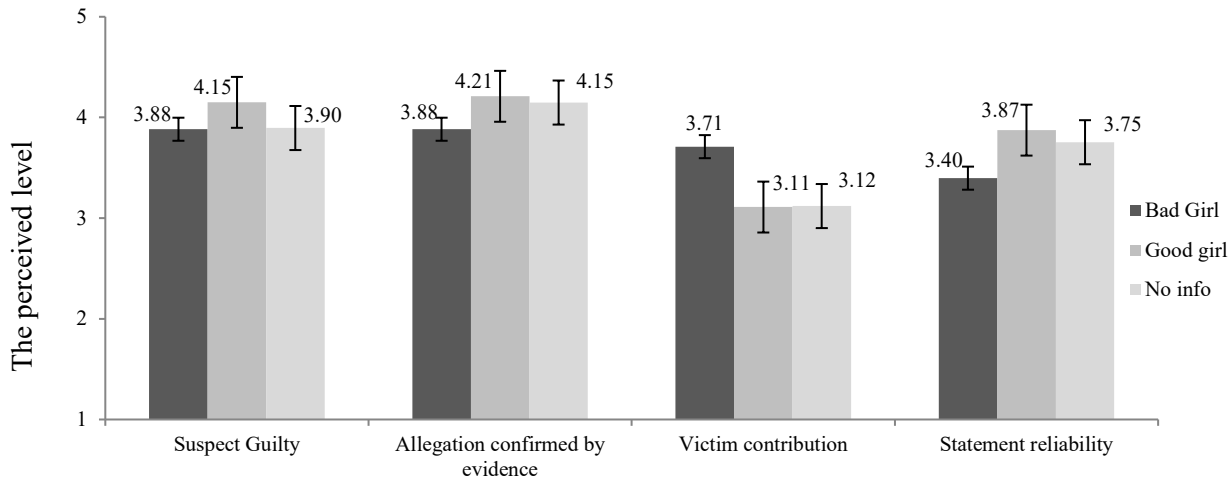


**Figure 5.1 Mean scores on perceived level of four outcome variables for case vignettes with different alleged victim's age (5 years old vs. 15 years old).**

95% Confidence Intervals are represented in the figure by the error bars attached to each column ( $N = 357$ ; missing: 12).

Statistically significant main effects for the character of the alleged victim were found for perceived statement reliability,  $F(2, 351) = 4.14, p = .017, \eta_p^2 = .023$ , and the perception of the victim's contribution to the occurrence of the abuse,  $F(2, 351) = 6.69, p = .001, \eta_p^2 = .037$  (see Figure 5.2). Bonferroni post hoc tests indicated that participants who received information that the girl had a bad character perceived the statement as statistically significantly less reliable ( $M = 3.40, SD = 1.48, 95\% \text{ CI } [3.16, 3.64]$ ) than participants who received information that the girl had a good character ( $M = 3.87, SD = 1.18, 95\% \text{ CI } [3.64, 4.11], p = .016, d = .35$ ). Moreover, participants who received information that the girl had a bad character also rated her as having a

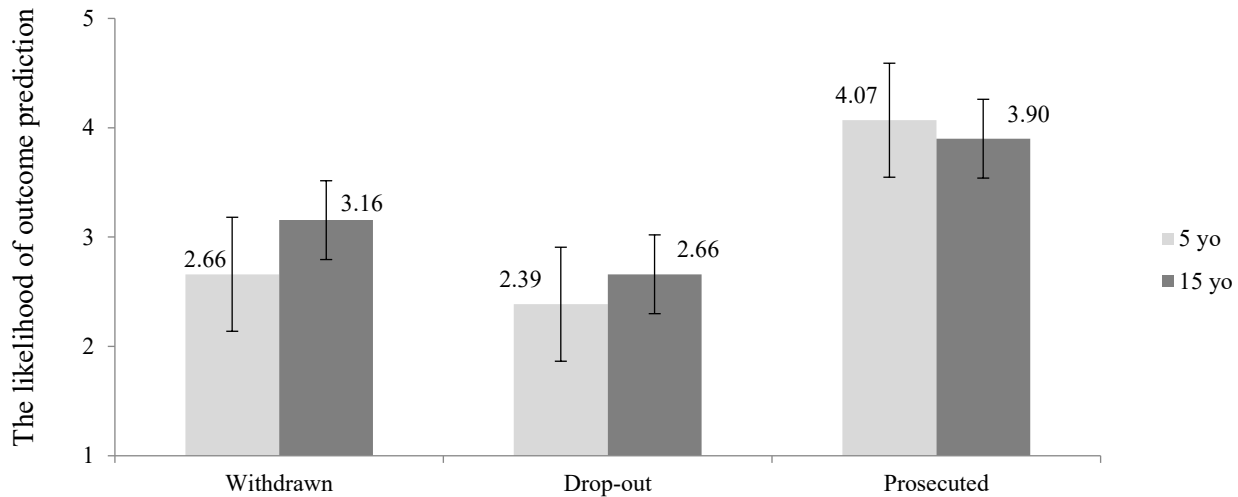
higher contribution to the incident ( $M = 3.71$ ,  $SD = 1.36$ , 95% CI [3.45, 3.97]) than participants who received information that the girl had a good character ( $M = 3.11$ ,  $SD = 1.58$ , 95% CI [2.85, 3.37],  $p = .004$ ,  $d = .41$ ) and control participants who received no character information ( $M = 3.12$ ,  $SD = 1.49$ , 95% CI [2.86, 3.39],  $p = .008$ ,  $d = .42$ ). We did not find any statistically significant effect of the information regarding the victim's character on two other credibility ratings: suspect guilt and allegation likely to be confirmed by other evidence.



**Figure 5.2 Mean scores on perceived level of four outcome variable for case vignettes with different information of alleged victim's character (bad character versus good character versus no character info).** 95% Confidence Intervals are represented in the figure by the error bars attached to each column ( $N = 357$ ; missing: 12).

### The Effect of Our Independent Variables on the Prediction of Case Outcome Possibilities

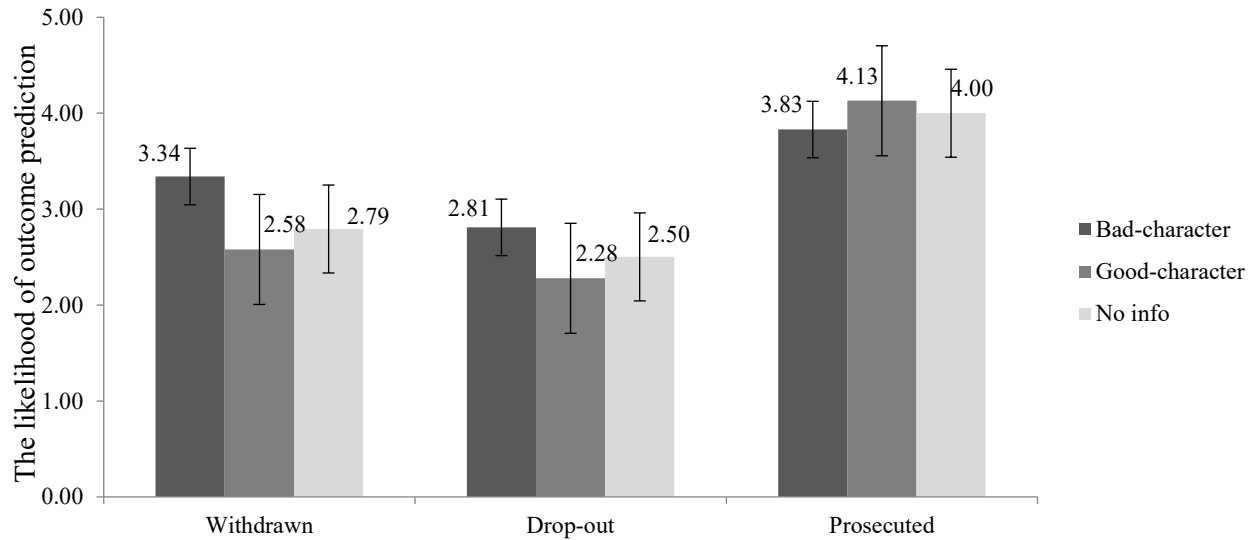
Based on univariate ANOVAs, we found a statistically significant main effect for age on the prediction of the likelihood that the case would be withdrawn (see Figure 5.3),  $F(1, 351) = 10.24$ ,  $p = .001$ ,  $\eta_p^2 = .03$ . The outcome of the case with the 15-year old victim was predicted as more likely to be withdrawn ( $M = 3.16$ ,  $SD = 1.41$ , 95% CI [2.94, 3.37]) in comparison to the case of the 5-year old victim ( $M = 2.66$ ,  $SD = 1.53$ , 95% CI [2.45, 2.86],  $p = .001$ ,  $d = .34$ ).



**Figure 5.3 Mean scores on perceived level of three possible case outcome for case vignettes with different alleged victim's age (5 years old vs. 15 years old).** 95% Confidence Intervals are represented by the error bars attached to each column (N = 357; missing: 12).

Statistically significant main effects for the character of the alleged victim were also found for the prediction of the likelihood of the case being withdrawn,  $F(2, 351) = 8.65, p < .001, \eta_p^2 = .045$ , and the case being dropped,  $F(2, 355) = 4.62, p = .01, \eta_p^2 = .026$  (See Figure 4). Bonferroni post hoc tests indicated that participants who were exposed to information that the girl had a bad character predicted that the case was more likely to be withdrawn ( $M = 3.34, SD = 1.51, 95\% \text{ CI } [3.08, 3.69]$ ) compared to participants who received the good character information ( $M = 2.58, SD = 1.37, 95\% \text{ CI } [2.33, 2.84], p < .001, d = .53$ ) or no character information ( $M = 2.79, SD = 1.50, 95\% \text{ CI } [2.53, 3.06], p = .011, d = .37$ ). Furthermore, participants who were confronted with information that the girl had a bad character also predicted that the case was more likely to be dropped ( $M = 2.81, SD = 1.45, 95\% \text{ CI } [2.56, 3.05]$ ) than participants who received the good character information ( $M = 2.28, SD = 1.25, 95\% \text{ CI } [2.03, 2.52], p = .008, d = .39$ ). We did not find any effect of our background information manipulation on the prediction of the case being prosecuted.





**Figure 5.4. Mean scores on perceived level of three possible case outcome for case vignettes with different information of alleged victim's character (bad character versus good character versus no character info).** 95% Confidence Intervals are represented by the error bars attached to each column ( $N = 357$ ; missing = 12).

### The Effects of our Independent Variables on Type of Questions in Interview Plan

We found that participants wrote between 1 and 19 questions in their interview plan ( $M = 7.39$ ,  $Med = 7$ ,  $SD = 2.99$ ). Across all participants who planned the interview ( $n = 281$ ), 2150 questions were asked and 154 (7%) of those questions were double-barreled (e.g., *when and where did it happen?*). We observed that the largest proportion of substantive questions were directives ( $M = 61.44$ ,  $SD = 24.80$ ), followed by option-posing ( $M = 19.56$ ,  $SD = 17.67$ ) and invitations ( $M = 2.59$ ,  $SD = 8.84$ ). We scored biased questions in 205 participants' lists of questions ( $n = 205$ ; 71.4%). Based on the categorization of biased questions, we observed that 99 participants (35%) introduced the abuse in their questions by mentioning a related abuse word (e.g., rape, sexually abused, touched); 84 participants (30%) mentioned the name of the suspect written in the case vignette. We also noted biased questions regarding the alleged victim's sexual experience or private life (e.g., *Have you had sexual intercourse before? Do you like the intercourse?*) in 55 participants' (19%) interview plans. Other types of biased questions were also observed: asking for the reason for not fighting against or saying 'no' to the perpetrator during the abuse ( $n = 42$ ; 15%); asking the child for the reason she was sexually abused ( $n = 29$ ; 10%); asking about the child's clothes when she was abused ( $n = 14$ ; 5%), and asking the child why she delayed to report or to disclose the abuse ( $n = 11$ ; 4%).

Using Wilks' statistic, we did not find statistically significant effects for the victim's age ( $F(4, 272) = 2.26, p = .06, \Lambda = .97$ ) or character ( $F(8, 544) = .55, p = .81, \Lambda = .98$ ) on substantive question types: invitation, directive and option-posing (Lamb et al., 2018), indicating that similar types of questions were asked about substantive details across all conditions. We also did not find a statistically significant interaction effect between the victim's age and character on substantive question types. For biased questions, we found a main effect for the victim's age,  $F(1, 275) = 5.39, p = .02, \eta_p^2 = .02$ . The percentage of biased questions was higher in the interview plans of participants who received information that the victim was 15 years old ( $M = 18.31, SD = 16.52, 95\% CI [15.85, 20.87]$ ), compared to participants who received information that the alleged victim was 5 years old ( $M = 14.13, SD = 13.48, 95\% CI [11.68, 16.69], p = .02, d = .28$ ). We did not find a statistically significant effect for victim character information on biased questions,  $F(2, 275) = 1.75, p = .17, \eta_p^2 = .01$ , and also no significant interaction effect between the victim's age and character information on biased questions,  $F(2, 275) = .22, p = .80, \eta_p^2 = .002$ .

### Exploratory Analyses

Although not preregistered, we conducted a Chi-Square analysis (see Table 2) to explore the association between type of background information and the predicted case outcome (prosecuted, withdrawal or drop-out). There was a statistically significant association between the age of the victim and the prediction of case outcome ( $\chi^2(2, N = 335) = 21.10; p < .001, V = .25$ ). The proportion of police investigators who predicted 'prosecuted' as the case outcome was significantly higher if they were presented with the younger victim compared to the older one. The odds of predicting a prosecuted outcome was 2.31 times higher when the alleged child sexual abuse victim age was 5 years old compared to when she was 15 years old.

We also found a statistically significant association between the character of the child victim and the prediction of case outcome ( $\chi^2(4, N = 335) = 16.12; p = .003, V = .25$ ). The proportion of police investigators who predicted a prosecuted case outcome was statistically significantly higher if they were presented with the good character victim versus the bad character victim or without information about the victim's character. The odds ratio of a prosecuted outcome was 2.78 times higher if the alleged child sexual abuse victim was described

as a good girl compared to a bad girl, and 1.94 times higher if the alleged victim was described as a good girl compared to a case which had no information about the victim's character.<sup>4</sup>

**Table 5.2 Comparison of case outcome predictions in relation to the age of the alleged victim and the victim background information (N=335; missing = 34).**

	Prosecuted (n=218)	Withdrawal (n=72)	Drop-out (n=45)	$\chi^2$	df	p	V
Age							
5 years old	119 (74.8%)	17 (10.7%)	23 (14.5%)	21.10	2	<.001	.25
15 years old	99 (56.3%)	55 (31.2%)	22 (12.5%)				
Background info							
No information	71 (63.4%)	22 (19.6%)	19 (17%)	16.12	4	.003	.15
Victim as good	85 (74.6%)	14 (12.2%)	15 (13.2%)				
Victim as bad	62 (56.9%)	36 (33%)	23 (10.1%)				

*Note.* The Chi-Square test explored the association between the IVs (victim's age and background information) and the predicted case outcome

Overall, we found that exposure to background information affected police investigators' perceived level of victim credibility, case outcome prediction and quality of interview questions. Compared to participants exposed to a case vignette of a 5-year old girl, participants exposed to a case vignette of a 15-year old girl, perceived the alleged victim as contributing more to the occurrence of the sexual abuse. Furthermore, these participants were more likely to predict case withdrawal. Also, participants were more likely to include biased questions in their plan for interviewing the 15-year old girl. We also observed that participants who were informed that the victim possessed a bad character perceived her as contributing more to the occurrence of the abuse compared to the victim with a good character. Police investigators also rated the statement of the bad character victim as less reliable than the statement of the victim with the good character. Furthermore, the case of the victim with the bad character was rated as more likely to be withdrawn or dropping-out than the good character victim.

<sup>4</sup> We conducted a number of exploratory analyses to examine differences between participants who had experience in handling child sexual abuse cases ( $N = 150$ ) versus participants without such experience ( $N = 201$ ) on our dependent variables by means of independent samples *t*-tests. We also examined the association between type of background information and the presence of each type of biased question in the interview plan. We included these results in the supplementary materials (See: <https://osf.io/47vby/>).

## DISCUSSION

The goal of the current experiment was to examine the effect of case (ir) relevant background information (age and character) of an alleged child victim of sexual abuse on police investigators' ratings of perceived credibility of the victim and prediction of case outcome. Furthermore, we investigated the effect of background information on the quality of an investigative interview plan measured by the proportion of question types (invitation, directive, option-posing, biased). Police investigators read a case vignette containing a summary of an allegation from a child sexual abuse victim and also background information (or not) concerning this victim. The most important finding of our study was that case background information affected police investigators' judgment about the victim's credibility (the victim's contribution and the perceived reliability of statement) and their prediction of the case outcome (withdrawn outcome). Background information also impacted the quality of the questions in their interview plans: background information of an older aged alleged victim resulted in more biased questions. Contrary to our hypothesis, we did not find an effect on biased questions for the victim character manipulation.

More specifically, we found that compared to the younger alleged victim (5 years old), the older victim (15 years old) was perceived as having contributed more to the sexually abusive incident. Furthermore, police investigators predicted that the case including the older victim would more likely be withdrawn and the odds of a prosecution outcome was rated 2.3 times lower compared to the younger victim case. In line with this, police investigators listed more biased questions in their interview plans for the older compared to the younger victim.

Another important finding of this study was that the background information regarding the alleged child sexual abuse victim's character affected the perceived credibility of the victim's statement and the perception of the victim's contribution to the occurrence of the abuse. That is, police investigators perceived the statement of the alleged victim with a bad character as less reliable and these victims were perceived as contributing more to the abuse than the alleged victim with a good character. Moreover, the odds of a projected prosecution outcome was 2.8 times higher for the good character victim compared to the bad character victim.

Our findings support a limited body of previous research about the effect of information regarding alleged victims' character on police investigators' judgement and decision making in investigating cases (Hughes-Scholes et al., 2014; Koppelaar et al., 1997; Powell et al., 2012).

Background information on the alleged victim's character is an impactful extralegal factor that can influence police decision making (O'Neal, 2019). In our experiment, exposure to background information led police investigators to develop biased assumptions about the allegation. For instance, the 15-year old alleged victim was perceived as contributing more to the incident than the 5-year old alleged victims and the girl with a bad character was perceived as less reliable than the girl with a good character. These biased assumptions reflect existing stereotypes in society regarding what constitute good and bad victims (Collins, 2016; Greer, 2007; O'Neal, 2019). Thus, when a victim does not meet the expectation of an authentic, 'good' victim, allegations are more likely to be viewed as less credible. Victims who are perceived as less credible tend to receive less desirable judicial outcome than those who are perceived as more credible (Goodman-Delahunty et al., 2010). Consequently, the case could receive a less desirable outcome, such as a premature withdrawal. Thus, our findings provide evidence for a potential of confirmation bias in that the likelihood of case withdrawal was estimated to be higher when police investigators had been exposed to the bad character information. However, it is also noteworthy to mention that across all conditions our participants rated the suspect's guilt as equally high. Although we focused on the perceived victim's credibility, it is promising that potential biases towards the victim did not seem to impact perceptions of the actual occurrence of the event, specifically from the perspective of suspect's guilt.

We observed a relatively high proportion of directive and option-posing questions, relative to invitations, in participants' interview plans. These findings likely reflect existing interviewing practices of Indonesian police investigators handling child sexual abuse cases. Indeed, in a previous study (Sumampouw et al., 2019), we found that Indonesian police interviewers rarely used open-prompts and asked relatively more directive, option-posing and suggestive questions. A remarkable finding in the current experiment was police investigators' tendency to ask biased questions, some of which could be considered as potentially suggestive. The lack of specific training in child forensic interviewing for Indonesian police investigators likely plays a critical role in this finding. Sumampouw and colleagues (2019) noted that training in evidence-based practice for child forensic interviewing is not available in Indonesia.

More specifically, the majority of police investigators in our sample planned to pose biased questions in the interview ( $n = 205$ , 71.4%), such as asking about the victim's sexual experience and private life and checking whether the victim said 'no' to the perpetrator during

the abuse. This higher proportion of biased questions to the older victim could be related to the fact that police investigators have the idea that the older victim would have more general knowledge than the younger victim which ‘allows them’ to put more pressure /bias in those questions. These biased questions indirectly might imply a victim-blaming attitude. We observed that biased questions about the victim’s previous sexual experience were observed more frequently in the interview plans for the older compared to the younger victims. This finding indicates that victim blaming may play a particularly salient role in sexual abuse cases concerning older alleged victims. As noted in previous research, some police officers hold problematic attitudes toward sexual assault victims (Rich & Seffrin, 2012). These problematic attitudes include attributions of victim blame and responsibility. Based on our results, police investigators in child sexual abuse allegation cases tend to be more critical towards older compared to younger victims and also towards alleged victims showing bad character traits. This attitude towards older alleged victims and having bad character might be a potential of confirmation bias in police investigators while investigating the case in term of seeking details that support the idea that the allegation is less credible.

### **Limitations and Strengths**

We acknowledge a number of limitations to our study. We created a case vignette that contained quite lengthy descriptions of the alleged victim’s background information. Consequently, we could not identify exactly which information detail was most salient to our participants. Finding the most salient one is important to warn police investigators of specific background information that could bias them while working on a case. We recommend conducting future studies to find out which specific detail(s) in the background information has/have the strongest impact on, for example, credibility ratings of victims. We also cannot be sure whether the effect of background information in our study is a universal phenomenon across different cultures. We tested our hypotheses in Indonesian police investigators’ and Indonesian culture is a non-Western, collectivistic culture, in which sexual abuse tends to be viewed as shameful (Xie et al., 2017). Moreover, victims of child sexual abuse in Indonesia seldom disclose incidents and rarely seek support (Rumble et al., 2018). Different cultures may have different norms concerning how a girl is expected to act or behave.

Another limitation is related to our study design in which we asked participants to create a list of questions to plan the interview. This is obviously an artificial task, because listing questions does not necessarily mean that participants would actually use these questions in a subsequent forensic interview. Assessing police investigators' actual interviewing practices would obviously be preferable. We also acknowledge that we tailored our character manipulation in the vignette to the victim's age. We did not use similar background information for the 15-year old victim (i.e., information regarding dating, smoking and drinking alcohol) for the 5-year old bad character victim. Instead, for the bad character of the 5-year old victim we used a disadvantaged parental background (divorced parents and low socioeconomic status). This difference might have caused that the effect of our character manipulation on the DVs might be partially explained by differences of details between the age groups. In a future study, we need to keep the bad character elements in the vignettes exactly the same, but also age-appropriate.

Our study also has a number of strong features. First, we used a sample of police investigators, a substantial minority (42%) of which had experience in child investigative interviewing. Based on our exploratory analyses, it is remarkable to observe that police investigators with a working experience in a CSA case tend to hold a positive attitude toward a case prosecution outcome. Across conditions, they were more confident that the case would be prosecuted and they indicated a higher level of suspect guilt compared to participants without working experience in a CSA case. At present, there are no specialized child police investigators in Indonesia. It means that, in principle, police investigators who are currently not working in child sexual abuse investigations might be involved in these types of cases in the future. Participants in our study were actual police investigators, not lay persons, which strengthens the study's external validity, compared to previous studies that used non-police students (Bollingmo et al., 2009) or community volunteers (Goodman-Delahunty et al., 2010).

## **Conclusions and Recommendations**

This study represents the first attempt to examine the effect of case background information on decision making of police investigators from a non-WEIRD (Western, Educated, Industrialized, Rich and Democratic; Heinrich et al., 2010) country. Notwithstanding the need for replication of our study in other jurisdictions, the current findings point out that confirmation bias in relation to

child abuse victim information is a potential problem in police investigators' decision making, and should be taken seriously in the interest of fairness and justice.

Our first recommendation is that police investigators should be made aware of the danger of confirmation bias and how this can be formed. Our findings stress that background information can create bias in police investigators. Hence, a second recommendation is to limit investigators' pre-interview information and/or to use other investigators to conduct the victim interview. It might well be the case that interviewers without case knowledge more fully explore all potential hypotheses and are less likely to adopt a biased questioning strategy (Rivard & Compo, 2017). Indeed, Rivard and colleagues (2016) showed that interviewers with no pre-interview knowledge of the crime, obtained details that were more accurate than interviewers with pre-interview knowledge.

In relation to conducting child forensic interviews, we recommend applying an evidence-based interview protocol which promotes the use of open prompts, such as the NICHD interview protocol (Lamb et al., 2018). Such an interview protocol provides direction and guidelines to minimize suggestion, i.e., biased/leading questions, during investigative interviewing. One potential way in which bias could be prevented is by using an alternative scenario model (Otgaar et al., 2017; Rassin, 2010; van Koppen & Mackor, 2019). The alternative scenario model refers to the idea that police investigators should postulate at least two scenarios: one in which the assumption is that the allegation might be the result of a true memory, and another scenario that includes the hypothesis of a fabrication/false memory. The scenario model could increase the objectivity of police investigators and mitigate the effect of confirmation bias.

To summarize, this experiment revealed that case-related background information regarding an alleged child victim of sexual abuse can exert a biasing impact on police investigators' judgment and decision making. Different attitudes toward child sexual abuse victims, as a result of exposure to background information, appeared to color police investigators' plans for interviewing the alleged victim. Police investigators were more likely to use biased questions in their interview plans if they were assigned to work with an older alleged child sexual abuse victim. The current findings suggest that even seemingly trivial background information concerning an alleged victim can adversely affect judgments and decision-making processes in police investigators.



It is clear that police investigators need to possess specific knowledge and skills when working with alleged child victims in order to obtain factual information about the alleged abuse. (Lamb et al., 2018; Powell et al., 2010). In the first part of this thesis, I discovered certain deficiencies in child forensic interviews conducted by Indonesian police investigators, such as that current child forensic interview practices are not in line with science-based recommendations for child investigative interviewing (Chapter 3) and that professionals have inadequate knowledge on the functioning of children's memory (Chapter 4). Applying an evidence-based protocol, such as the NICHD interview protocol, is needed to protect police investigators from bias and making appropriate questions are asked that lead to reliable statements. This issue is a focus of the second part of this thesis. PART II focuses on improving current practices, specifically by examining the effect of training in the NICHD interview protocol within the Indonesian context.

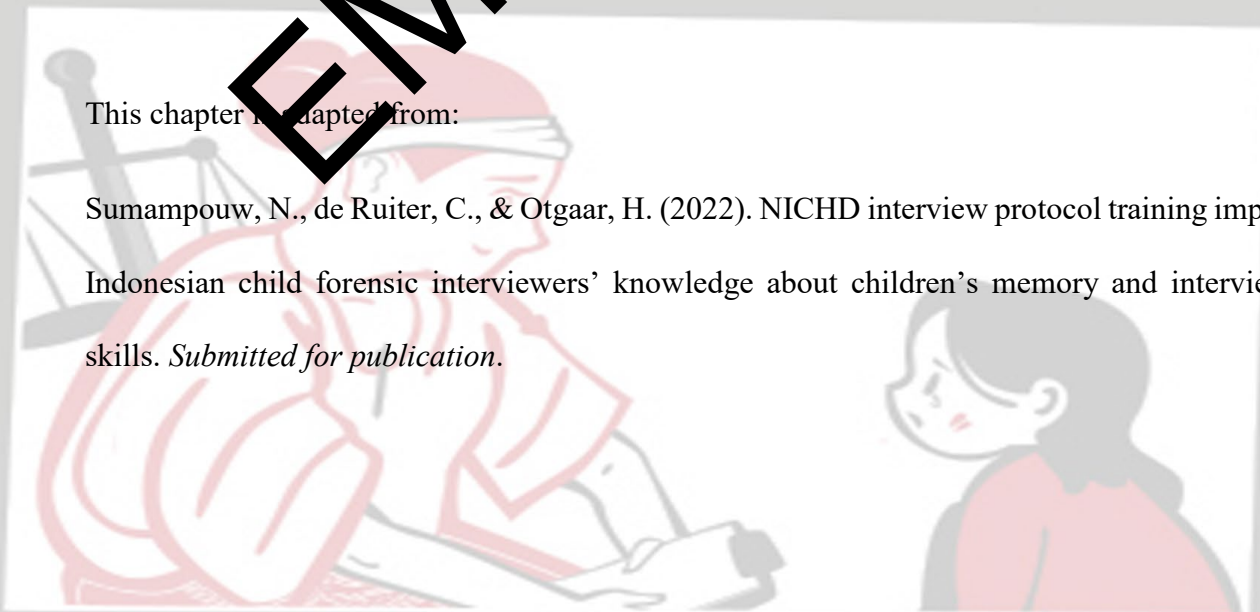
## CHAPTER 6

### NICHD Interview Protocol Training Improves Indonesian Child Forensic Interviewers'

#### Knowledge about Children's Memory and Interviewing Skills

This chapter is adapted from:

Sumampouw, N., de Ruiter, C., & Otgaar, H. (2022). NICHD interview protocol training improves Indonesian child forensic interviewers' knowledge about children's memory and interviewing skills. *Submitted for publication.*



## CHAPTER 7

### GENERAL DISCUSSION



In this general discussion chapter, an overview of the key findings is presented, followed by some elaboration on the theoretical and practical implications of the studies presented in this thesis. Methodological considerations of this PhD research are presented, as well as avenues for future research.

### **Overview of the studies and summary of the findings**

Alleged child sexual abuse (CSA) cases are challenging in nature (Leander, 2010) because of their complexity during the process of investigation and prosecution (Wright et al., 2006). Cross and colleagues (2003) based on US data have uncovered that child (sexual) abuse was less likely to lead to filing charges and incarceration than most other felonies. Moreover, they argued that the challenge in prosecuting the case lies in the burden of proof to determine whether a criminal act has occurred and a perpetrator is culpable in which the evidence might be sparse (Cross et al., 2003). The most important factor that leads to a prosecution in CSA cases is children's disclosure (Gewehr et al., 2021; Lippert et al., 2010; London et al., 2005; Walsh et al., 2010). A child's disclosure is often the starting point of the investigation, which needs to establish whether the abusive incident occurred (London et al., 2005). Recent studies (London et al., 2020; Townsend, 2016) have revealed that CSA victims often delay disclosure, and specifically in case of young age at the time of abuse onset and in case of intra-familial abuse (Gewehr et al., 2021).

Another important aspect of the complexity of CSA cases concerns the difference in professionals' opinions about prosecuting CSA cases. A debate exists regarding the state's interest in prosecuting CSA cases in that prosecution might be dismissed in favour of therapeutic approaches for child victims (Cross et al., 2013). Furthermore, the family and the community should weigh costs and benefits of prosecution as a criminal justice response.

It is relevant to examine the functioning of the police in alleged CSA cases because they often are the first 'responders' in the investigation of child sexual abuse. In fact, attrition of CSA cases often occurs during the police investigation (Christensen et al., 2015; Cross et al., 2003; Fitzgerald, 2016). Child (sexual) abuse investigation is an area of police work that exposes officers to negative stress (Violanti & Gehrke, 2004), and it has even been rated as a most severe stressor (Violanti et al., 2017) because of short deadlines (Anderson, 2000), heavy caseload (Anderson, 2000; Wright et al., 2006), and lack of professional collaboration (Powell et al., 2013; Wright et al., 2006). Moreover, police investigators working with child perceived that their high workload was under-valued compared to other areas of policing (Wright et al., 2006). Previous studies have shown that investigating child-related crimes,

including CSA, put police investigators at risk of developing secondary traumatic stress (Krause, 2013; Powell & Tomin, 2011; Violanti & Gehrke, 2004), depression and anxiety (Powell et al., 2013). This negative psychological condition might undermine their performance in investigating reports of alleged CSA cases. However, this topic was not a focus of this PhD research.

As a front-line within the criminal justice procedure, investigating reports of CSA is highly challenging (Faller, 2020). Given its nature, CSA rarely leaves physical traces (i.e., evidence) and is often denied by the alleged perpetrator. Thus, police investigators rely heavily on the alleged victim's statement (Faller, 2015). Indeed, the alleged victim's statement concerning the abuse is frequently the only available evidence for legal decision-making (London et al., 2005; Walsh et al., 2010). Therefore, conducting a proper child forensic interview is crucial and critical. However, police officers working in CSA cases do not perceive child investigative interviews as a major challenge (Wright et al., 2006). They attributed the success of the interview more to the child's ability, their willingness to talk and the environmental setting (Wright et al., 2007). This finding is contrary to experts' perception that police interviewing skills are the main factor in the success of child forensic interviews (Guadagno et al., 2006; Powell & Wright, 2009; Powell et al., 2011).

This PhD thesis focused on a legal psychological analysis of CSA cases prosecution, specifically concerning the practices of child forensic interviewing within the Indonesian police context. Few studies have investigated the topic of interview on alleged CSA victim in non-WEIRD countries such as: Malaysia (Chung et al., 2022; Teoh & Lamb, 2013), and South Korea (Yi et al., 2016). Therefore, this PhD means to fill the gap of a lack of published studies from Indonesia, as one of the non-WEIRD countries, regarding the investigation of CSA. Studying CSA prosecution in Indonesia is highly relevant considering the recent updates in national criminal law and specific regulations CSA, and cases that gathered nationwide media attention (e.g., the Jakarta International School case). Regarding Indonesian law and regulations, the president of the Republic of Indonesia signed a government regulation and informed the public in early 2021 (*PP No. 70/2020*) concerning the application of chemical castration, electronic surveillance, rehabilitation and public disclosure of perpetrators of child sexual abuse (Republic of Indonesia, 2020). This government regulation translates existing Child Protection Law into policy. It is important to note that Indonesian Child Protection Law was signed in 2002 (*UU No. 23/2002*), and has been revised two times, the first time in 2014 (*UU No. 35/2014*) and the second time in 2016 (*UU No. 17/2016*), both times to incorporate harsher punishment for CSA perpetrators.

Another consideration that creates the sense of urgency to conduct research in this field is related to the cultural aspect. Two notions should be taken into account here. First, sexuality and sexual abuse are considered taboo topics in Indonesia (Zakiyah et al., 2016). Indonesian children and parents are generally not expected to discuss these topics in an open manner. Second, this taboo is related to the high power distance culture of Indonesia (Hofstede Insight, 2019). This power distance is important because police officers, as authority figures, interact with children as alleged victims during the investigation. This cultural aspect may affect disclosure and reporting behaviour to authorities, including talking about the abuse during a child forensic interview.

This PhD thesis contained two main parts. First, the present state of CSA cases' investigation and prosecution was examined. This included: an evaluation of the case characteristics that result in prosecution (Chapter 2), the current quality of police child forensic interviews (Chapter 3), the knowledge of police investigators on the issue of memory and children as witnesses (Chapter 4), police investigators' attitudes toward alleged child victims' credibility and the association with exposure to information about the child's character and age (Chapter 5). Second, we tested if existing child interviewing practices of Indonesian police investigators could be improved. We focused on the application of the NICHD interview protocol as an evidence based protocol for working with alleged CSA victims (Chapter 6). This PhD thesis can inform policy makers and professionals within the Indonesian criminal justice system to further improve the prosecution of CSA cases.

**PART I** focused on capturing the existing condition of CSA cases prosecution in Indonesia, including police investigators' knowledge and skills about memory and interviewing as a baseline. In the Chapter 2, I reported an archival study that examined police files of CSA allegation cases to estimate the prevalence of successful prosecution outcomes and to identify case characteristics as predictor of prosecution success. Successful prosecution is defined as the formal approval decision by the public prosecutor indicating that the police case file is complete and eligible to file charges. Inspired by the work of Connolly and Read (2016), I developed a coding manual of 11 case characteristics as predictor variables, which were grouped into four domains: (1) the alleged victim and suspect, (2) the offenses, (3) the evidence, and (4) the criminal justice process. A key finding was the low rate of prosecuted cases. Only 32% ( $n = 58$ ) of the cases were prosecuted and these cases had the following typical features: the suspect confessed, the victim was threatened, a medical examination report with a positive conclusion was available, the case was charged under the

Child Protection Law rather than the general criminal law, and the case was investigated within one to two months duration.

Then, I conducted two studies (described in Chapter 3) (i.e., archival analysis and field experiment using a case-vignette), to capture the quality of current practices of Indonesian police child forensic interviewers. First, I analysed the interview report section within police case files ( $N = 24$ ). I found a consistent pattern in both the file-based and the field experimental study, namely that Indonesian police investigators asked more directive and option-posing questions, but rarely used open-prompt invitations. These findings are consistent with previous studies in Western countries, which revealed that open-prompts were infrequently used by police investigators. However, the open-prompt invitation has been shown to serve as the most effective question type for gathering detailed, factual, and forensically relevant information in child forensic interviews (Brown et al., 2013; Hershkowitz, 2009; Lamb et al., 2018; Sternberg et al., 1997; Yi & Lamb, 2018).

To conduct a proper child forensic interview, it is vital that practitioners possess sound knowledge of children's memory functioning. Therefore, I conducted a survey study (Chapter 4) to gain insight into Indonesian police officers' knowledge about the topic of memory as a main psychological aspect of child forensic interviewing, and about child witnesses in general. In this study, I also compared police officers' knowledge level to psychologists' knowledge who are expected to possess more thorough understanding of these topics. The main findings replicate previous studies in Western countries that documented less-than-optimal knowledge about the psychology of eyewitness testimony (Dodier et al., 2019; Erens et al., 2020; Granhag et al., 2005; Magnussen et al., 2013; Wise & Safer, 2004). From this study's findings, I observed several indicators of a lack of knowledge that could be damaging in the legal context, such as the belief that recall of minor details indicates accuracy of memory. This might underline the evaluation of short and incomplete statements from an alleged victim as fabricated ones. Moreover, even though the psychologists' knowledge was significantly better overall than the police officers' knowledge, at the item level these differences were small. Interestingly, I also observed that the proportion of correct answers was higher for the police (57%) than the psychologist group (27%) on the item about memory repression. The majority participants in the psychologists group (73%) believe that most children experienced severe traumatic events will repress and later struggle to recall the events. This is problematic because in some cases psychologists are actually invited by the police as a consultant in the CSA investigation. They might deliver expert testimonials based on unsupported research findings about the memory repression. However, the idea of



repressed memory for child abuse is obsolete, and not supported by research (London et al., 2020). Based on these findings, correct knowledge about children's eyewitness memory is crucial for practitioners, including police investigators who work with children, because in CSA cases the criminal investigation and subsequent prosecution relies heavily on memory-based testimony and eyewitness statements as admissible evidence.

In Chapter 5, I described an experimental study using a case-vignette that aimed to investigate the impact of background information concerning an alleged CSA victim on police investigators' judgement about the perceived credibility of the child's allegation and the prediction of case outcome, and their interview plan. I hypothesized that the background information, and specifically information of the alleged victim's age and character, would affect the perceived credibility, the prediction of case prosecution and the incorporation of inappropriate questions in the interview plan. Findings support the hypotheses to some extent in that police investigators who read the story of the 15-year old alleged victim perceived a higher contribution of the alleged victim to the occurrence of the abuse, they predicted a case withdrawal outcome more often and included more biased questions in their interview plans compared to investigators who read the story of a 5-year old alleged victim. In addition, police officers who were told that the alleged victim had a bad character perceived her statement as less credible, having contributed more to the abuse, predicted the case as more likely to be withdrawn than those who received information that the alleged victim had a good character. These findings indicate that background information about the victim affects police investigators' judgment and decision-making when working with an alleged CSA victim.

**PART II** (Chapter 6) focused on the improvement of current child forensic interviewing practices in police officers in Indonesia. A substantial number of studies have revealed that training in the NICHD interview protocol improves forensic interviewers' skills. Those studies were conducted in Western, developed and resourceful countries (Canada: Cyr et al., 2012; Israel: Orbach et al., 2000; South Korea: Yi et al., 2016; UK: Lamb et al., 2009; US: Sternberg et al., 2001). I examined the applicability of the NICHD interview protocol as an evidence-based interview protocol in an Indonesian context. I conducted two quasi-experimental studies using a case vignette (Study 1) and staged-events (Study 2) to measure the effect of the NICHD interview protocol training on the improvement of knowledge and interviewing practices among Indonesian child forensic interviewers (police investigators and social workers) as participants. Additionally, I checked the effect of applying the NICHD interview protocol on the amount of details provided by the children as interviewee. I



developed four-days (study 1) and three-day training modules. The main finding across studies confirm previous studies (Cyr et al., 2012; Lamb et al., 2009; Orbach et al., 2000; Sternberg et al., 2001; Yi et al., 2016) in that the NICHD interview protocol training were effective to improve participants' interview practices. Specifically, I observed that after the training in both studies, participants showed increased knowledge concerning children's memory and better practices by applying more open-ended invitations and less closed questions than before the training. Moreover, in Study 2, the finding revealed that trained interviewers obtained more details of the staged-event compared to pre-training interviews.

Table 7.1 presents an overview of key findings across studies in this PhD thesis. In addition, a general comparison to previous studies is presented.

**Table 7.1 An overview of the main findings across studies.**

Chapter	Research Question	Type of study	Main findings	Effect size	Compared to previous studies	Context of previous studies with similar results
2	Which case characteristics predict CSA prosecution?	Archival study	The low rate of prosecuted cases (32%) Factors increasing the likelihood of prosecution: <ul style="list-style-type: none"> <li>• Medical evidence</li> <li>• Suspect confession</li> <li>• Optimum time of investigation</li> <li>• Number of legal references</li> </ul> The low rate of non-prosecuted cases with a pregnancy report (60%)	$V = .17 - .39$	Replicated	Australia (Bunting, 2008; Christensen et al., 2016), Sweden (Ernberg et al., 2018), US (Cross et al., 2003; Stolzenberg & Lyon, 2015).
3	What are the existing practices of Indonesian police interviewers?	1) Field study using a case vignette 2) Archival study	Police interviewers were rarely using research-based practices: open-prompts were rare (5%), they used more directive (50%), option-posing (26%), and suggestive (19%) questions Police interviewers were rarely using research-based practices: open-prompts were rare (4%), they used more directive (44%), option-posing (49%), and suggestive (3%) questions	$\eta_p^2 = .54$ $\eta_p^2 = .82$	Replicated	Canada (Cyr & Lamb, 2009); UK (Lamb et al., 2009), and US (Sternberg et al., 2001)
4	What is the current level of knowledge about memory & child witnesses?	Survey study	We found a lack of knowledge of police officers ( $M = 4.88$ ) and psychologists ( $M = 5.60$ ) about the psychology of children as eyewitnesses. Specifically, police investigators tended to overestimate children's capability as eyewitnesses and police's ability to detect children lying, but underestimated their effect as authority figures	$V = .19 - .33$ $d = .37$	Replicated	China (Jiang & Luo, 2016), France (Dodier et al., 2019), Italy (Magnussen et al., 2013), the Netherlands (Erens et al., 2020), Norway (Magnussen & Meilinder, 2012), US (Wise & Safer, 2004)
5	Is there any effects of case information on judgment & interview plan?	Field experimental study, using a case-vignette	Police investigators could be biased by presenting case background information that depicted an alleged victim as an older child and having a bad character, compared to a young child and good character	$d = .34 - .53$	Partially replicated	US (Hughes-Scholes et al., 2014), the Netherlands (Koppelaar et al., 1997)
6	Is the NICHD interview protocol training effective to improve participants' knowledge and skills?	Field quasi-experimental study using a staged-event	Police interviewers showed positive changes in knowledge and interviewing skills (employed more invitations and fewer closed questions) after the NICHD interview protocol training. Trained interviewers obtained more details from the children compared to pre-training interviews	$d = 1.02 - 4.02$ $d = 1.38 - 1.68$	Replicated	Canada (Cyr et al., 2012), Israel (Orbach et al., 2000), South Korea (Yi et al., 2016), UK (Lamb et al., 2009), US (Sternberg et al., 2001)

## Theoretical Implications

### Replicating Findings of Legal Psychological Research in a non-WEIRD Context

Much attention is currently given within the area of psychology to the replication of psychological studies such as the Open Science collaboration and the Many Labs project (Nosek et al., 2015; Stevens, 2017). A chief reason for this is that in the past years, prominent research findings have failed to be replicated in collaborative replication projects (Pashler & Wagenmakers, 2012; Shrout & Rodgers, 2018; Simmons et al., 2011). Parallel to this replication development is the notion that within the field of psychology, most research is conducted in Western, Educated, Industrialized, Rich, and Democratic countries (WEIRD, see Henrich et al., 2010) with a majority being college student populations (Arnett, 2008; Thalmayer et al., 2021). As can be seen in Table 7.1, I showed that the findings of my PhD studies within the Indonesian National Police, as a non-WEIRD context, mostly replicated previous studies in WEIRD contexts. These replications are critical as they can promote evidence-based practices in a legal setting (Chin, 2014) by translating science into practices.

At this moment, research-based guidelines and protocols are available to ensure proper investigative interviews. These guidelines have been developed based on research mostly in WEIRD contexts, such as the US and Europe (Lamb et al., 2018). Recently, guidelines have been developed by international experts in which a universal standard of investigations and information gathering efforts is described (Association for the Prevention of Torture – APT, 2021). The guidelines, entitled ‘Principles on Effective Interviewing for Investigations and Information Gathering’, consists of basic principles on effective interviewing. The guidelines are also called the Méndez Principle and refer to Juan E. Méndez, a *UN special rapporteur* who submitted a report in 2016 to the UN general assembly concerning torture in a criminal investigation. Although the principles address the most common scenarios of suspect interviews, the principles also apply to victim and witness interviews.

However, it is striking that the document was mostly developed by experts from WEIRD countries, almost all being from Europe and North America, thereby neglecting to consult experts from non-WEIRD countries. This is vital as one could argue that the abovementioned guidelines are perhaps not applicable in non-WEIRD contexts. Indeed, there are surely some differences between how interviews can be conducted in, for example, Indonesia and in other countries. For example, the recommended questions of “Tell me what happened” should be

translated cautiously because if translated into Indonesian it will lead to the following question: “Make a story of what happened” (Hope et al., 2022). Obviously, in responding to such question, children might come up with confabulated responses that can potentially lead to false memories (Ackil & Zaragoza, 1998). Another notion is regarding the need for a more elaborate rapport building in non-WEIRD contexts considering the high power distance culture of Indonesia and sexuality being a taboo topic where children should not discuss such topics with adults including authorities.

Nonetheless, I replicated many findings concerning CSA case investigations and specifically in relation to child forensic interviewing. In my PhD studies, I applied Open Science Practices to increase the transparency of my studies. Furthermore, the main population samples in this PhD study were Indonesian police investigators who mostly work with CSA cases on a daily basis. Consequently, the ecological validity of my studies is quite high. Hence, my findings could be generalized to real-life settings and specifically, the criminal investigation of CSA cases and child forensic interview practices. Therefore, the replicated findings of my thesis imply that certain investigative interviewing practices in WEIRD countries might also be effective in Indonesia.

In the following section I will discuss my main findings in the light of existing theoretical models and research concerning the investigation of CSA.

### **Perceived Credibility of Alleged Victims**

Overall, the main findings of this PhD thesis have revealed three key points concerning legal psychological aspects of criminal investigations of child sexual abuse and child investigative interviewing. First, I have shown that certain case characteristics are predictors of the prosecution outcome of CSA cases (e.g., a suspect confession). Police investigators understandably tend to look for concrete and less subjective admissible evidences (Walsh et al., 2008) to guide the objectivity in decision-making (Campbell et al., 2009; Magnusson et al., 2018). This principle was perceived as important in, for example, medical evidence (Ernberg et al., 2018; Magnusson et al., 2018). Moreover, such evidence will later be perceived as the strongest and the most valid indicator of truthful sexual abuse allegation by prosecutors to avoid uncertainty for filing charges in cases where the odds of conviction are high (Albonetti, 1987; Holleran et al., 2010).

In the Indonesian legal system, the decision to prosecute cases is made by public prosecutors (Republic of Indonesia, 1981). In this PhD study, I did not directly involve Indonesian public prosecutors as participants. However, the findings based on the archival analysis (Chapter 2) could indirectly reflect the public prosecutor decision-making outcome. Previous studies (Frohmann, 1997; Voogt et al., 2020) have revealed that compared to the judge, public prosecutors are more concerned on conviction rather than the social costs of punishment. Consequently, prosecutors tend to evaluate a case in a way so that they can win a trial. In other words, prosecutors tend to look for evidence that the alleged victims are credible and the suspect is guilty (Pattavina et al., 2015). It is clear that the victim credibility is frequently treated as an objective feature of cases.

Perceived victim credibility in cases of sexual assault have been shown to predict police investigator's decision to investigate and to arrest suspects (Frohmann, 1997; Voogt et al., 2020). However, this approach neglects the active process of assessing victim credibility in ongoing case investigations. According to Stanko (1980), victim credibility is a phenomenon constructed and maintained through interaction between, for example, police investigators and prosecutors. It is evaluated based on how practitioners such as police investigators and prosecutors view child witness. For example, research has shown that children who are viewed as someone who could convince the jury to accept her/his account of the abuse by her/his appearance and demeanour is regarded as a credible witness (Collins, 2016; Frohman, 1997; O'Neal, 2017).

### **The Understanding of Children as Credible Witnesses**

Second, my findings have revealed the existing skills, knowledge and attitudes of the Indonesia National Police (INP) investigators regarding children as witnesses in CSA cases. I showed that there was a lack of knowledge on the topic of memory in general and children as eyewitnesses in specific. However, sufficient knowledge and competence is crucial as it guides the practices of investigating and prosecuting cases to determine if the alleged abuse has occurred or not (Bull, 2010; Finnälä-Tuohimaa et al., 2005). For example, police investigators who believe that children are innocent and honest in nature are more likely to evaluate children's statements as truthful. Sound and correct knowledge of memory and children as eyewitnesses based on research findings is therefore critical (Sauerland & Otgaar, 2021) to support proper and research-based practices in child forensic interviews.

There are three basic tenets concerning the issue of children as credible witnesses. First, children can be very accurate witnesses (Otgaar et al., 2018; Peterson & Whalen, 2001; Quas et al., 2009). They have a capacity to accurately encode experiences, store and later recall them, even when it concerns traumatic events. For example, Peterson and Whalen (2001) showed that children as young as three years of age were able to recall over 80% of central components of an event (medical emergency) with an accuracy rate of over 80%. Second, children will not always report their remembered experiences because of for example shame (Bull, 2010). Third, psychological research has demonstrated that even young children can provide an accurate report of their experience as long as they are interviewed properly (Bull, 2010; Lamb et al., 2018; Peterson & Whalen, 2001). Nevertheless, children rarely provide a complete account of their experiences (Flin et al., 1992). Therefore, empirically based questioning is necessary to collect relevant information from children.

Hence, it is essential that children as eyewitnesses should be interviewed in a manner that enables them to provide high-quality information (Aarons & Powell, 2003), accurate information (Lamb et al., 2008) and to produce investigative leads (Darwish et al., 2008). Bull (2010) emphasizes the importance of the skills of police investigators in conducting a proper child forensic interview session as a critical component of law enforcement.

At this moment, a number of international guidelines and protocols are available for investigative interviewing (e.g. Achieving Best Evidence – ABE – from the UK (Home Office, 2008); Child Forensic Interview: Best Practices from the US Department of Justice (Newlin et al., 2015); Mendéz Principles on effective interviewing ([www.interviewingprinciple.com](http://www.interviewingprinciple.com), 2021) and the NICHD interview protocol (Lamb et al., 2018; La Rooy et al., 2015; [www.nichdprotocol.com](http://www.nichdprotocol.com)). The ultimate goal of those guidelines and the protocol is to assist interviewers in conducting a proper and science-based child forensic interview. Important features of an effective child forensic include, for example, the use of rapport-building and open-ended questions.

My findings regarding the insufficient practices of Indonesian police child forensic interview can be explained in light of the unavailability of clear and specific interview guidelines in the Indonesian National Police (Muniroh & Heydon, 2022). Furthermore, extensive evidence based training for Indonesian police investigators does not exist or is very rudimentary at this moment. Previous studies have demonstrated that interviewers who had no training experiences

on actual interview protocols or who received minimal training were generally poor in conducting an interview according to a science-based protocol (La Rooy et al., 2015; Powell, 2002). The main reason is that the nature of conversation in a proper child forensic interview session is different to what police interviewers normally (and naturally) do when interviewing adults (and children) (Bull, 2010; Lamb et al., 2018; Poole, 2016; Powell, 2002). Therefore, a science-based protocol is crucial to aid interviewers in conducting a proper child forensic interview (Lamb et al., 2018).

### **The Verbal Competence Effect of Children**

Research-based interviewing practices affect the amount and quality of forensically relevant details (e.g., Erens et al., 2022). This is critical for case prosecution. Myklebust and Bjørklund (2010) have shown that the length of children's statements affected the court decision in that longer responses of alleged victims were found in the interview report section of cases in which someone was convicted compared to other outcomes. Furthermore, the longer responses were associated with the use of open-ended questions. Based on these findings, it has been argued that when children provide longer answers in response to open-ended questions, the chance increases that cases will result in convictions, an effect termed the verbal competence effect in children (Myklebust & Bjørklund, 2010).

### **Interviewer Bias**

Furthermore, a proper child forensic interview should also start with a proper interview plan. Poor preparation for an interview is considered one of the 'sins' of interviewing (Yarbrough et al., 2013). A proper interview plan includes seeking case-specific knowledge, including knowledge about the interviewee (Cooper et al., 2009). Indeed, gathering knowledge about the children as interviewees has some advantages in that, for example, more knowledge about the interviewee, such as: age and language proficiency, can result in a better-tailored interview (Cooper et al., 2009; Hervè et al., 2007). However, one of my PhD findings also showed that such background information can bias police interviewers.

The third main finding of this thesis concerns police investigator bias by exposure to the background information of alleged victims (Chapter 5). Police investigators tend to perceive a case of an alleged victim as an older child and having a bad character as less credible than a case

of a younger child with a good character as the alleged victim. This finding may reflect police investigators' attitudes toward alleged victims and the credibility of their allegations.

I interpret this finding as a reflection of an (un)sympathetic affect among police interviewers. Details of the case vignette regarding the background of an alleged victim might engender certain beliefs about the child as a victim with a good character or bad character (Collins, 2016; O'Neal, 2016). The idea of an alleged victim as a child with good or bad character might generate an emotional response in the police officer that leads to either sympathy, or not, towards the victim (Sleath & Bull, 2014). For example, if the alleged victim is perceived as having bad character this might fuel the stereotypical expectation of victims being less credible, thus reinforcing a victim-blaming attitude. This reinforced attitude might subsequently lead to biased questions during the child forensic interview.

Research has also demonstrated the effect of cultural aspects and values on the social perception of law enforcement officers on whether a victim is a good or bad person (Collins, 2016; O'Neal, 2019). For example, when children are viewed as having a bad reputation, it can negatively affect the credibility of an account of an alleged victim. Such research findings convey that the social acceptance of stereotypical beliefs concerning how sexual abuse typically unfolds, is a critical issue in understanding how the police works with sexual abuse cases.

In a patriarchal society such as Indonesia, there is a tendency to evaluate the perceived bad character victim as not credible and to accept the idea that actually the suspect did not mean to commit the abuse. Such might happen, for example, in the case of dating violence (Harits et al., 2022). To some extent, these victims are blamed and perceived as having a contribution to the abuse-related incident. This cultural factor might affect the crime investigation outcome. However, at this moment, no Indonesian studies have been published on the effect of police investigator bias on prosecution outcomes.

Overall, my findings uncover the flaw of Indonesian police investigators' existing knowledge, skills and attitudes in investigating and prosecuting CSA cases. A bounded rationality framework (Wallace, 2016) might explain these findings. According to this framework, when a police investigator is exposed to facts that contradict their beliefs or attitudes, they may simply try to find a way to perceive things otherwise, thereby maintaining their beliefs. Furthermore, Wallace explained that police investigators might still make a decision when they are uncertain, given a lack of evidence or conflicting evidence. In this situation, police



investigators tend to simplify their decision by applying rationality. This rationality is based on heuristics and exists in the form of an emotion, such as anger or sympathy (Gigerenzer, 2010; Wallace, 2016). In this case, police investigators might experience sympathy for the victim that plays a part in their decision-making in the context of limited information.

My findings on the limited skills, knowledge, and inaccurate beliefs among Indonesian police might also reflect an implicit bias of police investigators who work with CSA cases. The theory of implicit bias is best explained as a dual-process function: System 1 and System 2 (Kahneman, 2011). System 1 operates as an automatic, intuitive thought process, which is heuristically based. System 2 processing is a product of reflection, using deduction and rule application. Applying this dual system in the context of CSA case investigations, System 1 responses are intuitive reactions to an alleged victim based on prior beliefs or experiences. It is a shortcut in decision making that is not necessarily correct or accurate but guides common thought processes and decision making. System 2 responses are more effortful, fully conscious compared to System 1 responses.

Indeed, police investigators are susceptible to heuristics and emotions that could interfere with their decision-making (Kosnik, 2008; Neuberg & Fiske, 1987). This susceptibility exists because investigators maintain dual roles as citizens and as a criminal investigation fact-finders (Wallace, 2016). These two different roles might conflict, thus resulting in a situation in which police investigators comply to societal expectations that fit with stereotypical beliefs in order to make sense of the cases they work with (Manning, 1997).

### **Forensic Balance Approach**

Finally, in the field of child forensic interviewing, it is important to emphasize the notions of sensitivity and specificity. Sensitivity refers to an instrument's ability to detect true cases of abuse while avoiding false positive identifications. Specificity, on the other hand, relates to the tool's ability to detect cases where no abuse took place while avoiding false negative errors. Sensitivity and specificity could be viewed as representing two competing interests: The protection of child victims from abuse and the protection of innocent adults from false accusations. Everson and Rodriguez (2020) defined forensic balance as providing equal priority to sensitivity and child protection, and to specificity and adult protection in interview design, instruction and practice. The forensic balance approach should be recognized as a foundational

best practice standard. This balance in interviews can be expected when applying an empirically based interview protocol such as the NICHD protocol

It is obvious that investigating child sexual abuse is a highly complex task, which taxes police investigators' cognitive functioning and emotion coping skills. They need to maintain their forensic balance, while simultaneously attending to the child's developmental stage, individual characteristics (e.g., intelligence level) and the unique features of the case at hand. They need to be aware of the potential for bias created by exposure to case-irrelevant information. Ideally, different tasks in the police investigation (e.g., victim interview, suspect interview, study of file information, medico-legal examination) would be performed by different members of an investigative team, to avoid contamination of evidence. In reality, there are always practical and human resource constraints. Nevertheless, the current thesis provides important 'signposts' on how to improve current police practices in CSA investigations in Indonesia.

## **Practical Implications**

The findings reported in this thesis have a number of practical implications for law enforcement agencies mainly the Indonesian National Police (INP). In this section, I will first start with an overview of the findings in relation to their practical implications. Then, I will propose a number of ideas to improve police investigations concerning CSA cases, with a specific focus on child forensic interviews. Finally, I will discuss the opportunities to improve the INP investigation of CSA cases.

## **Overview of Findings and Their Practical Implications**

First, in Chapter 2, I found that certain case characteristics increased the likelihood of prosecution in CSA cases. These characteristics were the availability of positive medical evidence, a confession of the suspect in a case, the optimal time of investigation duration (within one to two months), and a single article of law being referred to. In actual practice, these findings may have implications for police investigators' judgement of the credibility of allegations when positive medical evidence and suspect confessions are available. However, as mentioned in Chapter 2, studies have revealed that this type of evidence (i.e., medical evidence) is sometimes not diagnostic of abuse or guilt (Bowen et al., 1999; Burrows & Powell, 2014; Kelly et al., 2005;

Walsh et al., 2008). The main practical implication of this finding regards the importance of an efficient, time-limited investigation. A well-conducted child forensic interview plays a crucial role for the prosecution of a CSA case (Bull, 2010; Lamb et al., 2018; Myklebust & Bjørklund, 2009; Poole, 2016; Powell et al., 2010). It aims to obtain accurate statements about the reported incident which oftentimes serves as the most important piece of evidence.

Second, our findings highlight the relevance of using the NICHD interview protocol and its training in the Indonesian context (Chapter 6). Interviewers who use the NICHD protocol are in a good position to obtain forensically relevant details that might assist in the criminal investigation and prosecution (Erens et al., 2022; Lamb et al., 2018). The protocol promotes the usage of invitations that lead to the reporting of more event-related details than when closed questions are used. Longer responses with more details might help in the prosecution of perpetrators by the court (Myklebust & Bjørklund, 2009). I reported relevant findings that the Indonesian version of the NICHD interview protocol is applicable. Additionally, I showed that the NICHD interview protocol training improves the knowledge and skills of the participants.

Furthermore, in Chapters 3, 4, and 5, the lack of knowledge, skills, and biased attitudes of practitioners (e.g., police investigators) working with CSA alleged victims became evident. The main practical implication of these findings is that police investigators' current knowledge, skills, and attitudes need improvement in order to increase the effectiveness of law enforcement in CSA cases. One major recommendation would be to train all police investigators who conduct interviews with alleged child victims in an evidence-based child forensic interview.

### **Framework for Investigative Transformation**

In light of my findings showing a lack of evidence-based practices and knowledge, I propose several recommendations. The recommendations are partly articulating the Framework for Investigative Transformation that consists of a list of important factors that should be addressed to improve current investigative practices (Griffith & Milne, 2018). The framework covers eight critical aspects: (1) leadership that encourages institutional culture or change towards evidence-based approaches, (2) a legislative framework that allows transparency and fairness, (3) a mindset or cognitive style that is open to effective techniques among investigators, (4) the right knowledge base to apply appropriate methods, (5) an organisational training and knowledge regime to optimise learning, (6) quality assurance mechanisms to evaluate performance, (7)

corresponding ability of the investigators to acquire and apply the learned skills, and (8) access to technology. Furthermore, I also refer to the ‘Mendez Principles’, which serve as guidelines for effective interviewing and information gathering (Association for the Prevention of Torture, 2021).

### **The Leadership Support**

Efforts to improve current practices of the INP investigations will be successful if the INP leadership shows a willingness to support the promotion of research and evidence based practices concerning investigations of CSA. The current PhD studies call for more research to promote education on legal psychological topics, such as memory and forensic interviewing, and the applicability of the NICHD interview protocol. Such education could, for example, be given when police officers are trained in child investigative interviewing.

Furthermore, the INP leadership could set up a pilot implementation project in which the NICHD protocol is used in specific *Unit Pelayanan Perempuan dan Anak (UPPA)* – Women and Children Units – with high resources in terms of the number of personnel and budget, and with a high number of CSA reports per year. The main idea is to compare the interviewing practices of the UPPAs where the NICHD-protocol is implemented with ‘control’ UPPAs, with similar resources and number of annual CSA reports, where the protocol is not implemented. The pilot implementation project could start with specific education on children’s memory and children’s disclosure of traumatic experiences. Furthermore, these topics could be followed by a training in the NICHD interview protocol, in which feedback and supervision sessions are included (Lamb et al., 2002; Rooy et al., 2015). After the NICHD training, the police investigators in the pilot project are mandated to apply the protocol when handling CSA allegation reports within a specific time period. All child forensic interviews, both in the NICHD-pilot UPPAs and the control UPPAs need to be video-recorded so that the interviews can be coded for research and training purposes. This idea of a pilot project can only succeed with the support of the INP leadership.

### **Education in Legal Psychological Topics**

Efforts to educate police investigators on research findings concerning children’s memory and evidence-based practices of child forensic interviewing, such as the NICHD interview protocol,

are crucial. As Muniroh and Heydon (2021) stated, the current curriculum for Indonesian police investigators does not cover empirical research findings concerning interviewing techniques. Education on the science of memory, for example, has been shown to correct false beliefs on issues such as repressed memory (Sauerland & Otgaar, 2021). It is important to note that this knowledge should be integrated in the existing curriculum of the Indonesian police investigators education to create a large and sustained impact. This recommendation fits well with the Framework for Investigative Transformation that education and training are highly beneficial to ensure a mindset that is open to effective techniques, which will result in a knowledge base to apply appropriate interviewing methods (Griffiths & Millne, 2018).

### **Training in the Bahasa Version of the NICHD Interview Protocol**

Ideally and as an ultimate objective, all police investigators at the UPPA who conduct child forensic interviews should be trained in the NICHD interview protocol. As reported in Chapter 6, I have translated and adapted the revised NICHD interview protocol into Bahasa Indonesia. The Bahasa Indonesia version of the protocol has been published on the NICHD interview protocol website (<http://nichdprotocol.com/bahasaIndonesia.pdf>). This is important because the NICHD interview protocol training focuses on interviewing skills by combining theoretical and practical sessions as much as possible during the training (La Rooy et al., 2015). It is also relevant to conduct the training in an adult learning approach that harnesses participants' field experience (Birzer, 2003). Based on the post-training reflection and participants' feedback, one factor contributing to a positive evaluation of the training is that we started with some acknowledgement and appreciation of the investigators' work and effort to conduct good interviewing practices.

One possible basic training idea that can be used is the 3-4 days training manual that I tested in our studies. According to this training manual, the training starts with a general introduction session explaining the goals of the training and a short session on current practices in working with CSA cases. After the introduction session, a lecture on how memory works and affects alleged child victims during the investigation is provided. This lecture is crucial as a bridge to the introduction of the NICHD interview protocol. Right after the lecture, participants are introduced to the NICHD protocol. Participants receive opportunities to apply the protocol using role-play with other participants in small groups. Participants (e.g., in groups of three)

sequentially take the roles of interviewer, interviewee and observer. Furthermore, participants are invited to practice in at least three sessions: (1) the pre-substantive focus session, (2) the substantive and closing focus session, and (3) the integrative session in which the interviewer conducts the interview from pre-substantive to closing. After each round of role-play, feedback is given, followed by a reflective plenary session. This training program is open for modification to ensure its applicability for training police investigators and other child forensic interviewers (e.g., child protection service staff).

Although research-based practices for interviewing children are well established, considerable evidence shows that the majority of forensic interviewers do not adopt these recommendations in their practices (Brown & Lamb, 2016), even when they are motivated to do so (Lamb et al., 2016). Therefore, training should include continuous supervision to maintain the newly acquired interviewing skills post training and to maintain them in daily practices. Previous studies (Lamb et al., 2018; La Rooy et al., 2015) have revealed that practitioners should hone their skills by keeping up with the literature, seeking consultation and supervision.

### **Specialized Police Investigators**

Furthermore, it is relevant to consider the idea of *specialized* police investigators who are certified and well-qualified for conducting a proper child forensic interview (Cederborg et al., 2013). The idea that every police investigator is able to conduct a child forensic interview is obsolete because it requires specific knowledge, highly complex skills and an empathic attitude. Griffiths and Milne (2018) argued that not everyone possesses the ability to conduct a good investigative interview, even after the required training. In different jurisdictions, such as the UK and Australia, child forensic interviewers should possess a certain level of competency (ability to use open-ended questions and to prevent the usage of suggestive questions) to conduct a child interview session (Lamb, 2010; Powell et al., 2010). Furthermore, it is important to note so-called certification schemes that require the interviewer to maintain their knowledge and skills. To provide a quality assurance mechanism for evaluating performance is a critical factor for a transformation in investigative practices (Griffith & Millne, 2018): certified police interviewers should be reassessed in their continued capacity to perform proper child forensic interviews. The INP should explore this idea to ensure the availability of specialized child forensic interviewers within the INP taskforce.

### **Toolbox for Police Investigators: Recording, Protocol, Preparation**

To enable practitioners to conduct proper forensic interviews, they need a toolbox of science-based techniques and equipment (Saywitz et al., 2018; Otgaar et al., 2020). For example, interviewers should be able to record the interview session. At this moment in Indonesia, recording an interview session is not mandatory for (eyewitness) interview sessions. I promote this practice for two reasons. First, police investigators as trainees can use the recorded videos as feedback to improve and evaluate their skills. Second, for the criminal investigation, police investigators can use the recorded videos as evidence and use it during trial if they are invited as hearsay witnesses. The recorded interview is crucial to assist judges in ensuring that the child's report is obtained in a reliable and proper manner (Poole, 2016). Recording the interview also corresponds to an effort to transfer learned skills from the training to work practices by taking an advantage from a technology. This factor is also acknowledged in the Framework for Investigative Transformation (Griffith & Millne, 2018).

A recent Indonesian CSA case illustrates the importance of using a scientifically based interview protocol. Specifically, as a consequence of media exposure of an alleged CSA case at Luwu Timur, the Indonesian public reacted negatively so the police dropped the investigation (Rusdianto, 2021). Consequently, *#PercumaLaporPolisi* - *#ItIsUselessToReportToPolice* became trending on Twitter. The representative of the INP responded to the public by conveying a message that the police investigation actually followed a correct procedure before dropping the investigation. Nonetheless, the INP reopened the case. My argument is that if the INP investigation unit had applied an evidence-based interview protocol with the alleged CSA victim, including recording the interview, the INP would be able to show evidence that they conducted a high-quality investigation.

Another important aspect of the NICHD training is interview preparation. Rohrabough and colleagues (2016) highlighted the importance of forensic interview preparation for a successful child forensic interview. My advice is that it is crucial to prevent interviewers' exposure to irrelevant case information before the interview. Based on my findings in Chapter 5, receiving background information concerning the alleged victim before the interview might potentially lead to interviewer bias and, later on, might also potentially impact their interview plan and judgement on the case outcome. My proposal is that ideally, blind forensic interviewing

should be applied in a child forensic interview context (Rohrbaugh et al., 2016). In a blind interview situation, the interviewer possesses limited to no knowledge regarding the allegation and the background of the victim and suspect. Being blind to contextual information causes interviewers to put effort to obtain as many details as possible by using recommended practices, without being affected by pre-interview information. It is also worth to consider a linear sequential unmasking expanded approach (Dror & Kukucha, 2021) in which the interviewer might be presented to existing information using criteria for sequencing information: biasing power, objectivity and relevance. This presentation for example might be conducted at the break before ending the interview. This idea is relevance to be explored further in child forensic interview context.

Confirmation bias in investigating a CSA case could also be prevented via the management of an investigation team, for example, by the division of responsibilities among investigators in a team. Ideally, the investigation team member who is in charge of conducting the child forensic interview should have limited pre-interview knowledge about the case. Other members of the investigation team should handle other aspects, such as alleged perpetrator interviews, securing forensic-medical evidence, etc.

### **The ONE-STOP Centre Approach**

The final recommendation concerns the ideal approach for investigating CSA cases is using a ONE-STOP centre approach, where a multi-disciplinary team (MDT) of professionals work collaboratively. The one-stop MDT centre is an evidence-based practice in handling CSA allegations that has been implemented in some jurisdictions, such as the Barnahus model in several Scandinavian countries (Johannson et al., 2017) and the Child Advocacy Center (CAC) model in the United States (Cronch et al., 2006). In those centres, police investigators are part of the MDT that conducts a child-friendly investigation that prioritizes the best interest of the children (Davis & Bottoms, 2002). Alleged CSA victims are interviewed in the centre by a specialized forensic interviewer who might be a police investigator or a social worker with a certification in child forensic interviewing. Those centres are proven effective in that fewer child interview sessions are needed and follow-up procedures are more efficient compared to communities without these MDT centres (Cronch et al., 2006). The one-stop centre enables multiple agency coordination and simplifies communication among members of the MDT (Cross



et al. 2008). At this moment, the new law on sexual violence (UU TPKS) has recently been published (Republic of Indonesia, 2022). Therefore, it is strategic for the INP to consider and to initiate this MDT approach as a leading initiative in criminal investigation of CSA cases. The INP could involve other stakeholders, such as the Ministry of Children and Women Affairs, Ministry of Health, Ministry of Social, in order to promote justice and family safety and well-being.

### **Opportunities to Reform Existing Practices**

The just-mentioned ideas to improve INP practices in investigating CSA cases is of high relevance. The INP is the fifth largest police force in the world (Davies et al., 2015). However, the International Crisis Group (2012), an independent organization working to shape policies for a more peaceful world, reported that the INP is one of the most ineffective worldwide because of -amongst others- limited available research that might shed light on current practices. Davies and colleagues (2015) explained that the existing policies to reform current practices of the INP relies mainly on a complete adoption of overseas models guided by foreign reform funders. Therefore, this PhD study has practical relevance as it could lead to new initiatives to reform current practices.

The effort to improve current practices by translating research into practices is critical for the INP to investigate the allegation and to prosecute the case (UU No. 8/1981; UU No. 35/2014). Actually, the head of the INP has published two specific regulations with one concerning the establishment and the management of Children and Women Unit (PERKAP No. 10/2007), and another one regarding the guidelines on examining eyewitnesses and/or victims (PERKAP No. 3/2008). In these regulations, it is stated that the police investigation should be child-friendly. Recently, the regulations have been revised and integrated concerning the crime investigation (PERKAP No. 6/2019). It is explicitly stated that police investigators should conduct a scientifically based criminal investigation. However, it is obvious that the existing regulations, including the recent ones, do not provide concrete guidelines on how this child-friendly and science-based investigation should be conducted. Applying an evidence based child forensic interview protocol is an example of scientifically based crime investigation. Therefore, the NICHD protocol serves as a concrete guideline on how to conduct the interview.

Overall, these practical recommendations are in line with the goals of the INP. For example, the current Head of the INP, General Listyo Sigit Prabowo, introduced the *PRESISI* slogan, which is an abbreviation of *Prediktif, Responsibilitas, Transparansi berkeadilan* – *Predictive, Responsible and Transparent Justice*. The *PRESISI* slogan is expected as a spirit and reminder for police personnel to work professionally in promoting justice and serving society. I believe that by implementing these recommendations, the INP will be able to show the public *PRESISI* in criminal investigations of CSA cases.

To sum up, applying an evidence-based child forensic interview by specialized trained police investigators is crucial to protect children and give them a voice. Therefore, my suggestion is that the INP should endorse these abovementioned research-based practices in their official regulations. The regulations could clearly state the applicability of the NICHD interview protocol, the need for police training including supervision and the requirement to adhere to science-based interviewing practices.

### **Methodological Consideration**

In this section, I address some strengths and limitations of my studies that warrant attention. Following this, I will propose some future research avenues.

#### **Strengths**

Regarding the strengths of my studies, it is important to mention the interview plan relatively high ecological validity of my research. Participants in my studies were mostly police investigators with experience in investigating CSA cases. In my archival analysis, I also managed to collect and analyze actual police files of CSA cases. Thus, my archival and field studies captured existing police practices in Indonesia. My samples were largely derived from the greater Jakarta area, the capital of Indonesia. Samples from Jakarta might be representative of the urban population of Indonesia, but likely not of the rural inhabitants of Indonesia. However, since my focus was to examine current practices as a baseline for interventions to improve practices of police investigations in CSA cases, I believe that capturing the existing practices in the Jakarta area is a first step to gather crucial insight in police CSA investigations. I assume that the police units in Jakarta may have better infrastructure than other cities and their police investigators are likely exposed to different trainings and education, given Jakarta is the capital city. I adapted and introduced the Jakartan police investigators to a research-based interview

training and interview protocol that was imported from a WEIRD context. I presumed that it may have been easier to study its applicability in Jakarta as a cosmopolitan city, because it resembles WEIRD countries more than rural Indonesia.

All of my studies were conducted in Indonesia. I believe my research contributes to addressing the problem of the replication crisis in psychological science. My studies clearly fill the gap of the lack of published studies from non-WEIRD contexts. I have reported and stored all the study material at the Open Science Framework (OSF) to promote transparent research practices. I invite other Indonesian colleagues, including practitioners and international scholars, to replicate our studies and to critically evaluate the findings.

### **Limitations**

Despite its strengths, there are also several limitations in this PhD project. First, in my archival studies (Chapters 2 and 3), I received case files selected by the head of the Children and Women's units. Consequently, the findings might suffer from sampling bias. Second, in some studies (Chapter 3 and Chapter 6), one might argue that because of the small sample sizes, the chance of detecting an effect becomes smaller, and the chance of concluding there is no effect, while actually there is one, becomes larger. I encourage future research to include more professionals in studies to provide more robust tests of our hypotheses.

Finally, I would like to state that the original goal was to examine interviews conducted with children in actual alleged CSA cases, to examine the effect of the NICHHD training and to compare it to current interviewing practice. However, this goal was not achieved. Several reasons underlie this failure. First, it is possible that our training participants suffered from low motivation. Participants did not receive any compensation for doing extra work, which might have made them reluctant to collect interview data for my research. I also believe that reluctance to record and submit their interviews existed because of fear of negative evaluations. Indeed, recording police interview sessions is not a current practice in Indonesia. In order to improve this, a top-down approach is needed. For example, the police investigators should be formally assigned to participate in the training not only by giving them an assignment letter, but also by considering their activities in the follow-up to the training as part of their daily job.

### **Avenues for Future Research**

All studies in this thesis aimed to capture the current state of CSA criminal investigation and prosecution by Indonesian police investigators, and to test if the NICHHD protocol could improve

practices of child forensic interviewing in an Indonesia context. Of course, this effort could be extended in future studies. First, in my archival study (Chapter 2), I identified and discussed the contributing factors that increase the likelihood of CSA prosecution. As a follow-up, it is relevant to conduct field studies, such as survey or experimental studies using case-vignettes with law enforcement officers as participants to compare the difference between findings from my archival study with findings from such a field study.

Another relevant future research avenue is to examine the effectiveness and efficacy of the NICHD interview protocol and its training on interviewing practices in actual CSA cases. I believe an important aspect of assessing the training's effectiveness is by examining it over a longer period. I believe that the training follow-up and feedback sessions are costly and time-consuming. However, it could be more effective in terms of cost and time spent if the feedback/supervision sessions are conducted online using, for example, Zoom. Another possible alternative is the usage of a tool for online, self-paced learning. This could accelerate the acquisition of required knowledge and skills because the online tool enables cumulative training as a requirement for long-term skill retention (Brubacher et al., 2021), for example by using avatar (Pompedda et al., 2017, Salehi et al., 2022)

Considering the current COVID-19 pandemic that limits face-to-face interaction, it is highly relevant to examine whether the NICHD protocol could also be used in an online format (e.g., Haginoya et al., 2020). The COVID-19 pandemic has also affected the criminal investigation of CSA cases. The Indonesian Supreme Court has published a regulation concerning the conduct of online court sessions (PERMA No.4/2020). However, at this moment, no specific regulation exists concerning (child) forensic interviews. Therefore, it is crucial for future research to explore the feasibility of applying an evidence-based interview protocol within an online platform.

A substantial number of studies have been carried out to assess the quality of child forensic interviews. Those studies largely focused on the type of questions and the amount of forensically relevant details the children provided. Further studies could assess the interview's quality in an integrative approach, by analyzing the dynamic of bidirectional interaction between the interviewer and the child as interviewee (Melinder et al., 2021).

In addition, future research could evaluate the efficacy of the NICHD interview protocol in protecting interviewers from interviewer bias by access to pre-interview information.

Furthermore, it is also relevant to check the side-effect of applying the NICHD interview protocol on interviewer's cognitive load. The protocol might actually tax interviewers because they are expected to adhere to all phases of the protocol (Hanway et al., 2020). However, I expect that the cognitive load effect will disappear with more experience with the protocol.

This PhD project might inspire researchers and practitioners in the field to collaborate in conducting applied research to improve criminal investigation in CSA cases. Such a collaborative research effort is urgently needed to reform police practices in Indonesia. One practical follow-up action is the development of a legal psychology laboratory at universities in Indonesia in which legal psychological topics are studied (e.g., interviewing practices). This is crucial because previous studies have shown the importance of cultural influence on criminal investigation activities, including eyewitnesses and alleged victim interviews (Hope et al., 2022). Thus, findings from legal psychology labs in WEIRD countries need to be tested in the Indonesian context.

In this PhD study, I did not systematically investigate the specific role of culture in CSA cases prosecution. Therefore, the role of culture should be considered as a variable that might influence practitioners in working with CSA cases, given the high-power distance culture of Indonesia and the commonly held belief that sexuality is a taboo topic that children should not talk about with adults.

## **Conclusion**

I applied various methodologies to answer my research questions, such as archival analysis of police case files, a survey, and experimental studies. These studies included Indonesian practitioners working as police investigators (Chapter 3-6), psychologists and social workers (Chapter 4-6). I can conclude that based on my work, Indonesian practitioners working in the initial of phase of the criminal justice system seem to apply inadequate practices in investigating CSA alleged cases. I noted that these inadequate practices existed because of (1) interviewers' lack of knowledge of the relevant psychological research findings; (2) their suboptimal interviewing skills; and (3) their attitudes toward the alleged victim and the allegation. Therefore, it is clear and urgent that a capacity-building program to improve current child interviewing practices is necessary. Police investigators should be extensively trained to be effective child forensic interviewers. This is in the interest of vulnerable children, but also relevant for a just society.

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## SUMMARY

Child sexual abuse (CSA) cases are complex because the burden of proof to determine whether a criminal act has truly occurred often hinges on the reliability of alleged victims' testimony. Law enforcement officers frequently have to deal with conflicting statements, such as the alleged victims stating that the suspect abused them, while the suspect denying any wrongdoing. Handling these cases is even more complicated because CSA rarely leaves physical traces (i.e., biological evidence). Thus, police investigators have to rely heavily on the alleged victim's statement. Indeed, the alleged victim's statement concerning the abuse is frequently the only available evidence for legal decision-making. Therefore, conducting a proper child forensic interview is critical.

This PhD thesis focused on a legal psychological analysis of the prosecution of CSA cases in Indonesia, with a focus on the practices of child forensic interviewing. The functioning of the police in alleged CSA cases is relevant because in most cases they are the first 'responders' in child sexual abuse investigations. One goal of this PhD thesis was to fill the gap of a lack of knowledge concerning conducting proper child interviews in Indonesia. Also, examining how CSA cases are prosecuted in Indonesia is imperative considering the latest changes in Indonesian criminal law and specific regulations concerning CSA, and legal cases that attracted nationwide media attention (e.g., the Jakarta International School case).

In addition, cultural aspects affect the investigation of alleged CSA cases. That is, sexuality and sexual abuse are viewed as taboo topics in Indonesia and hence, Indonesian children are not expected to freely discuss these topics. Also, there exists a high power distance culture in Indonesia in which police officers or social workers are viewed as authority figures. They are the professionals who interact with children as alleged victims during the investigation. These cultural aspects may affect the disclosure and reporting behaviour of alleged victims to authorities and during child forensic interviews.

This PhD thesis contained two main parts. **PART I** captured the current condition of CSA cases prosecution in Indonesia, including police investigators' knowledge, attitude, and skills about memory and interviewing as a baseline. In Chapter 2, I presented an archival study that evaluated police files of CSA allegation cases to estimate the prevalence of successful prosecution outcomes and to identify case characteristics of a successful prosecution outcome. I found a low rate of prosecuted cases: only 32% of the cases ( $n = 58$ ) were prosecuted. These prosecuted cases shared a number of features: the suspect confessed, the victim was threatened, a medical examination report with a positive conclusion was available, the case was charged under the Child Protection Law rather than the general criminal law, and the case was investigated within one to two months. In Chapter 3, I described two studies (i.e., an archival analysis and a field experiment using a case-vignette) examining the quality of current practices of Indonesian police child forensic interviewers. I found a consistent pattern in both the file-based and the field experimental study that Indonesian police investigators asked mostly directive and option-posing questions, but rarely used open-ended questions. These findings are consistent with previous studies in Western countries. Furthermore, I conducted a survey study (Chapter 4) to understand

the level of Indonesian police officers' knowledge about the topic of memory and about child witnesses in general. The findings replicated previous studies in Western countries that documented less-than-optimal knowledge about the science of eyewitness memory. Lastly, in Chapter 5, I presented an experimental study using a case-vignette that aimed to investigate the impact of irrelevant background information concerning an alleged CSA victim on police investigators' judgement about the perceived credibility of the child's allegation and the prediction of case outcome, and their interview plan. I showed that police investigators, who read a story of a 15-year old alleged victim perceived a higher contribution of the alleged victim to the occurrence of the abuse, predicted a case withdrawal outcome and included more biased questions in their interview plans compared to investigators who read the story of a 5-year old alleged victim. In addition, police officers who were told that the alleged victim had a bad character perceived her statement as less credible and having contributed more to the abuse, and predicted that the case would be more likely withdrawn than those who received information that the alleged victim had a good character. These findings show that background information about the victim affects police investigators' judgment and decision-making when working with an alleged CSA victim.

In **PART II** (Chapter 6) I focused on an effort to improve the existing child forensic interviewing practices of Indonesian police investigators. I assessed the implementation of the NICHD interview protocol in the context of Indonesian child forensic interviewing. I conducted two quasi-experimental studies using a case vignette (Study 1) and a staged-event (Study 2) to measure the effect of the NICHD interview protocol training on the improvement of knowledge and interviewing practices among Indonesian child forensic interviewers (police investigators and social workers) as participants. The main findings confirm prior studies in that the NICHD interview protocol training was effective to improve participants' interviewing practices. Specifically, participants showed increased knowledge concerning children's memory and better interviewing skills by applying more open-ended invitations and fewer closed questions in their interview after compared to before the training. Furthermore, in Study 2, the finding revealed that trained interviewers obtained more details of the staged-event from the children compared to pre-training interviews.

To conclude, this PhD thesis will contribute to providing insight and directions for a capacity-building program to improve current child forensic interviewing practices in Indonesia. Police investigators as child forensic interviewers should be properly trained. This effort is crucial in the interest of vulnerable children and for a just society.

## RINGKASAN

Upaya penegakan hukum terhadap kasus kekerasan seksual terhadap anak (KStA) tergolong kompleks karena beban pembuktian untuk menentukan terjadi atau tidaknya peristiwa kekerasan seksual yang dilaporkan seringkali hanya bergantung pada sejauh mana dapat diandalkannya keterangan dari pelapor. Aparat penegak hukum seringkali harus berhadapan dengan keterangan yang saling bertentangan, misalnya: terduga korban mengatakan bahwa pelaku melakukan pelecehan seksual terhadap dirinya, tetapi tersangka menyangkal apa yang dituduhkan korban. Selain itu penanganan dirasakan semakin rumit karena peristiwa KStA itu sendiri seringkali jarang meninggalkan jejak fisik yang jelas yang dapat dideteksi secara langsung melalui alat bukti biologis: tes DNA, visum medis. dan tidak tersedianya alat bukti lain yang jelas seperti: tidak adanya foto atau rekaman video tentang peristiwa. Konsekuensinya, aparat penegak hukum terutama polisi penyidik sangat bergantung pada keterangan yang dihimpun dari tersangka, pelapor sebagai korban dan saksi. Memang, pernyataan dari yang diduga sebagai korban tentang peristiwa KStA yang dilaporkannya seringkali merupakan satu-satunya alat bukti yang tersedia untuk aparat penegak hukum mengambil keputusan. Oleh karena itu, wawancara forensik terhadap anak yang melaporkan KStA memiliki peran yang sangat penting dan krusial dalam upaya penegakan hukum.

Disertasi ini fokus pada suatu analisis psikologi hukum tentang upaya penegakan hukum kasus KStA di Indonesia terutama tentang praktik wawancara forensik anak. Populasi yang menjadi fokus dalam penelitian ini adalah polisi penyidik. Fungsi polisi penyidik dalam penanganan KStA sangat strategis dan relevan karena mereka berada di garda terdepan, *front-liners*, dan sebagai pihak yang merepresentasikan negara memberikan respons awal dalam menerima laporan dan melakukan investigasi terhadap laporan KStA tersebut. Salah satu tujuan utama dari disertasi ini adalah meminimalkan kesenjangan antara kondisi saat ini dengan kondisi ideal mengenai pengetahuan, sikap dan keterampilan polisi penyidik di Indonesia yang efektif dalam menangani laporan KStA terutama tentang wawancara forensik anak yang tepat. Selain itu, saya juga mengkaji bagaimana penanganan terhadap suatu laporan KStA di Indonesia. Kajian ini sangat penting karena adanya perubahan terbaru dalam hukum pidana Indonesia: revisi KUHP, UU baru tentang tindak pidana kekerasan seksual dan aturan lainnya yang spesifik tentang penanganan KStA. Selain itu, pembahasan tentang penanganan KStA di Indonesia juga menjadi relevan karena terdapat beberapa kasus KStA yang menarik perhatian masyarakat dan media nasional maupun internasional (misalnya: kasus *JIS – Jakarta International School*).

Selain itu, aspek budaya juga mempengaruhi investigasi terhadap laporan kasus KStA. Seksualitas dan kekerasan seksual dipandang sebagai topik yang tabu di Indonesia sehingga anak-anak Indonesia tidak diharapkan untuk secara bebas membicarakan dan mendiskusikan topik tersebut. Aspek budaya lainnya adalah adanya budaya jarak kekuasaan, *power distance*, yang tinggi di Indonesia. Kaitannya dalam investigasi KStA adalah aparat penegak hukum, seperti: polisi, atau praktisi lainnya yang berinteraksi dengan anak yang melapor sebagai korban selama proses investigasi dipandang sebagai figur otoritas yang perlu dihormati dan dituruti. Aspek budaya ini dapat mempengaruhi sejauh mana dan bagaimana anak dapat mengungkapkan

tentang apa yang dialami (*disclosure*), melaporkan ke pihak otoritas maupun dalam proses wawancara forensik.

Disertasi ini terdiri dari dua bagian utama. Dalam **BAGIAN I**, saya memotret gambaran kondisi saat ini tentang investigasi kasus KStA di Indonesia, termasuk didalamnya pengetahuan, sikap, dan keterampilan polisi penyidik tentang memori dan wawancara sebagai data awal (*baseline*). Secara spesifik di Bab 2, saya mempresentasikan hasil studi arsip yang dilakukan terhadap berkas acara pemeriksaan (BAP) kepolisian tentang dugaan kasus KStA. Studi arsip ini bertujuan untuk memperkirakan prevalensi dari hasil investigasi kepolisian yaitu: BAP yang dinyatakan sudah lengkap oleh pihak kejaksaan untuk diproses lebih lanjut ke fase penuntutan (P21), maupun yang dinyatakan belum lengkap atau tidak memadai untuk diproses lebih lanjut. Saya menemukan tingkat kasus yang dinyatakan lengkap untuk diproses lebih lanjut (P21) tergolong rendah, yaitu: hanya 32% dari berkas kasus yang ada ( $n = 58$ ). Terdapat beberapa karakteristik yang ditemukan pada BAP yang dianggap lengkap (P21), yaitu: (1) terdapat pengakuan tersangka, (2) dapat dibuktikan adanya ancaman terhadap korban, (3) terdapat hasil pemeriksaan medis (*visum*) dengan kesimpulan positif, (4) dasar hukum yang digunakan adalah aturan spesifik, yaitu: UU Perlindungan Anak dibandingkan dengan hukum pidana umum, yaitu: KUHP, dan (5) lamanya laporan kasus tersebut diinvestigasi berkisar antara satu sampai dua bulan. Selanjutnya, di Bab 3, saya menjelaskan hasil dari dua studi (studi arsip dan studi eksperimen lapangan menggunakan studi kasus) yang bertujuan untuk memeriksa kualitas praktik wawancara forensik anak oleh polisi penyidik saat ini. Saya menemukan adanya suatu pola yang konsisten dari dua studi yang dilakukan (studi arsip dan studi eksperimen) yaitu: dalam wawancara forensik terhadap anak, polisi penyidik mengajukan sebagian besar pertanyaan tipe direktif dan mengajukan pilihan (*option-posing*) namun jarang menggunakan pertanyaan tipe terbuka (*open-ended*). Temuan ini sejalan dengan hasil penelitian sebelumnya di beberapa negara Barat. Selanjutnya (Bab 4), saya melaporkan hasil dari studi survei untuk mengetahui tingkat pengetahuan anggota kepolisian tentang topik psikologi yang relevan dengan investigasi KStA, yaitu: tentang ingatan dan kesaksian anak. Studi ini mereplikasi penelitian sebelumnya di beberapa negara Barat yang mendokumentasikan adanya pengetahuan yang kurang optimal pada anggota kepolisian tentang aspek psikologis yang relevan, yaitu: memori dan kesaksian. Terakhir, di Bab 5, saya mempresentasikan hasil studi eksperimental dengan menggunakan studi kasus yang bertujuan untuk menemukan sejauh mana pengaruh dari informasi mengenai latar belakang pelapor yang tidak begitu relevan (*irrelevant background information*) dengan upaya investigasi kasus KStA terhadap: (1) persepsi polisi penyidik tentang kredibilitas keterangan anak yang melapor, (2) perkiraan tentang hasil dari penyidikan terhadap kasus tersebut, dan (3) rencana wawancara forensik terhadap anak yang melapor dalam kasus tersebut. Saya menemukan bahwa polisi penyidik yang memperoleh informasi bahwa anak yang melapor telah berusia remaja, 15 tahun, dibandingkan dengan polisi penyidik yang memperoleh informasi bahwa anak yang melapor masih berusia kanak-kanak, yaitu: 5 tahun, cenderung akan mempersepsikan adanya kontribusi anak tersebut terhadap terjadinya KStA, memperkirakan bahwa hasil dari penyidikan kasus tersebut kemungkinan besarnya akan tidak diproses lebih

lanjut karena besar kemungkinannya laporan akan dicabut, dan cenderung memasukkan pertanyaan yang bias dalam rencana wawancara forensiknya. Selain itu, polisi penyidik, yang diberitahu bahwa anak yang melapor sebagai korban dalam kasus tersebut memiliki karakter yang buruk sebagai anak, dibandingkan dengan polisi penyidik yang menerima informasi bahwa anak yang melapor adalah anak dengan karakter yang baik, cenderung mempersepsikan keterangan anak tersebut tentang laporan KStA yang dialaminya sebagai keterangan yang kurang kredibel, menilai adanya kontribusi anak tersebut terhadap KStA yang dilaporkannya, dan memperkirakan bahwa hasil dari penyidikan kasus tersebut tidak diproses lebih lanjut karena besar kemungkinannya laporan akan dicabut. Temuan dari riset ini mengungkap bahwa suatu informasi tentang latar belakang anak yang melapor sebagai korban dapat memengaruhi penilaian dan pengambilan keputusan polisi penyidik polisi saat melakukan investigasi terhadap kasus KStA yang dilaporkan.

Di **BAGIAN II** (Bab 6), saya fokus pada upaya untuk meningkatkan praktik wawancara forensik anak yang ada. Saya menjelaskan tentang dua studi *quasi-experimental* dengan menggunakan studi kasus – *case-vignette* (Studi 1) dan melalui suatu kegiatan bersama anak yang dirancang, *staged-event*, (Studi 2). Kedua studi tersebut bertujuan untuk mengukur pengaruh dari pelatihan dan penerapan protokol wawancara NICHD terhadap upaya peningkatan pengetahuan dan keterampilan wawancara forensik pada penyidik polisi dan staf lembaga perlindungan anak yang dalam tugasnya sehari-hari melakukan wawancara terhadap anak. Temuan utama studi ini mengkonfirmasi hasil penelitian sebelumnya, yaitu: pelatihan protokol wawancara NICHD terbukti efektif untuk meningkatkan keterampilan wawancara peserta. Secara khusus, peserta menunjukkan adanya peningkatan pengetahuan tentang topik psikologi yang relevan, yaitu: memori, dan adanya peningkatan keterampilan wawancara yang ditunjukkan dengan lebih banyak digunakannya pertanyaan dengan tipe undangan terbuka, dan lebih sedikit penggunaan pertanyaan tertutup dalam wawancara setelah dibandingkan dengan praktik wawancara sebelum pelatihan. Selanjutnya, dalam studi 2 ditemukan bahwa setelah mengikuti pelatihan dengan menerapkan protokol wawancara yang dilatih, pewawancara memperoleh lebih banyak detail informasi tentang kegiatan anak (*staged-event*) dibandingkan dengan hasil wawancara para peserta sebelum mengikuti pelatihan.

Sebagai penutup, disertasi doktoral ini harapannya dapat memberikan kontribusi dalam upaya peningkatan kapasitas polisi penyidik dalam menangani laporan kasus KStA. Temuan yang dipaparkan dalam disertasi ini dapat memberikan wawasan dan arahan untuk penyusun kebijakan di instansi kepolisian atau pihak lain yang terkait dengan upaya penegakan hukum terhadap kasus KStA. Polisi penyidik yang bekerja menangani kasus KStA wajib mendapatkan pelatihan yang memadai sehingga dapat melakukan wawancara forensik anak dengan tepat. Upaya ini sangat krusial dalam rangka memastikan perlindungan anak sebagai kelompok rentan dan upaya untuk menciptakan masyarakat yang aman serta menegakkan keadilan.



## SAMENVATTING

Zaken van seksueel misbruik van kinderen (CSA) zijn complex omdat de bewijslast om te bepalen of een strafbaar feit echt heeft plaatsgevonden vaak afhangt van de betrouwbaarheid van de getuigenissen van vermeende slachtoffers. Rechtshandhavers hebben vaak te maken met tegenstrijdige verklaringen, zoals de vermeende slachtoffers die stellen dat de verdachte hen heeft misbruikt, terwijl de verdachte ontkent dat er sprake is van misstanden. De behandeling van deze gevallen is zelfs nog ingewikkelder omdat CSA zelden fysieke sporen nalaat (dwz biologisch bewijs). De rechercheurs van de politie moeten dus sterk afgaan op de verklaring van het vermeende slachtoffer. De verklaring van het vermeende slachtoffer over het misbruik is immers vaak het enige beschikbare bewijs voor juridische besluitvorming. Daarom is het van cruciaal belang om een goed forensisch interview met kinderen af te nemen.

Dit proefschrift richtte zich op een juridisch psychologische analyse van de vervolging van CSA-zaken in Indonesië, met een focus op de praktijk van forensisch verhoor van kinderen. Het functioneren van de politie in vermeende CSA-zaken is relevant omdat zij in de meeste gevallen de eerste 'hulpverleners' zijn in onderzoeken naar seksueel misbruik van kinderen. Een van de doelen van dit proefschrift was om de leemte op te vullen die voortvloeit uit een gebrek aan kennis met betrekking tot het voeren van goede interviews met kinderen in Indonesië. Ook is het absoluut noodzakelijk om te onderzoeken hoe CSA-zaken in Indonesië worden vervolgd, gezien de laatste wijzigingen in het Indonesische strafrecht en specifieke regelgeving met betrekking tot CSA en rechtszaken die landelijke media-aandacht trokken (bijvoorbeeld de zaak Jakarta International School).

Daarnaast zijn culturele aspecten van invloed op het onderzoek naar vermeende CSA-zaken. Dat wil zeggen, seksualiteit en seksueel misbruik worden gezien als taboeonderwerpen in Indonesië en daarom wordt van Indonesische kinderen niet verwacht dat ze deze onderwerpen vrijelijk bespreken. Ook bestaat er in Indonesië een cultuur met een grote machtsafstand waarin politieagenten of maatschappelijk werkers worden gezien als gezagsdragers. Zij zijn de professionals die tijdens het onderzoek omgaan met kinderen als vermeende slachtoffers. Deze culturele aspecten kunnen van invloed zijn op het openbaarmakings- en meldingsgedrag van vermeende slachtoffers aan autoriteiten en tijdens forensische verhoren van kinderen.

Dit proefschrift omvatte twee grote delen. **DEEL I** vat de huidige stand van zaken van de vervolging van CSA-zaken in Indonesië samen, inclusief de kennis, houding en vaardigheden van politierechercheurs op het gebied van geheugen en verhoren als uitgangspunt. In Hoofdstuk 2 presenteerde ik een archiefstudie die politiedossiers van CSA-aantijgingen evalueerde om de prevalentie van succesvolle vervolgingsuitkomsten te schatten en om zaakkenmerken van een succesvolle vervolgingsuitkomst te identificeren. Ik vond een laag aantal vervolgte zaken: slechts 32% van de zaken ( $n = 58$ ) werd vervolgd. Deze vervolgingszaken hadden een aantal kenmerken gemeen: de verdachte bekende, het slachtoffer werd bedreigd, er was een medisch onderzoeksrapport met een positieve conclusie beschikbaar, de zaak werd vervolgd op basis van de Kinderbescherming in plaats van het algemeen strafrecht, en de zaak werd onderzocht binnen een tot twee maanden. In hoofdstuk 3 beschreef ik twee onderzoeken (dwz een archiefanalyse en

een veldexperiment met behulp van een casusvignet) waarin de kwaliteit van de huidige praktijken van forensische kinderverhoorders van de Indonesische politie werd onderzocht. Ik vond een consistent patroon in zowel de dossiergebaseerde als de veldexperimentele studie dat Indonesische politierechercheurs voornamelijk directieve en optievragen stelden, maar zelden open vragen gebruikten. Deze bevindingen komen overeen met eerdere studies in westerse landen. Verder heb ik een survey-onderzoek uitgevoerd (hoofdstuk 4) om inzicht te krijgen in het kennisniveau van Indonesische politieagenten over het onderwerp geheugen en over minderjarige getuigen in het algemeen. De bevindingen repliceerden eerdere studies in westerse landen die minder dan optimale kennis documenteerden over de wetenschap van het geheugen van ooggetuigen. Ten slotte presenteerde ik in hoofdstuk 5 een experimenteel onderzoek met behulp van een casusvignet dat tot doel had de impact te onderzoeken van irrelevante achtergrondinformatie over een vermeend CSA-slachtoffer op het oordeel van politierechercheurs over de gepercipieerde geloofwaardigheid van de beschuldiging van het kind en de voorspelling van de uitkomst van de zaak, en hun interviewplan. Ik liet zien dat rechercheurs, die een verhaal van een 15-jarig vermeend slachtoffer lazen, een grotere bijdrage van het vermeende slachtoffer aan het optreden van het misbruik zagen, de uitkomst van het terugtrekken van een zaak voorspelden en meer bevooroordeelde vragen in hun interviewplannen opnamen in vergelijking met rechercheurs die het verhaal las van een 5-jarig vermeend slachtoffer. Bovendien beschouwden politieagenten die te horen kregen dat het vermeende slachtoffer een slecht karakter had, haar verklaring als minder geloofwaardig en als meer bijdragend aan het misbruik, en voorspelden ze dat de zaak waarschijnlijker zou worden ingetrokken dan degenen die informatie ontvingen dat het vermeende slachtoffer had een goed karakter. Deze bevindingen tonen aan dat achtergrondinformatie over het slachtoffer van invloed is op het oordeel en de besluitvorming van politierechercheurs bij het werken met een vermeend CSA-slachtoffer.

In **DEEL II** (Hoofdstuk 6) Ik concentreerde me op een poging om de bestaande forensische ondervragingspraktijken van Indonesische politierechercheurs te verbeteren. Ik heb de implementatie van het NICHD interview protocol beoordeeld in de context van Indonesische forensische kinderverhoren. Ik heb twee quasi-experimentele onderzoeken uitgevoerd met behulp van een casusvignet (onderzoek 1) en een geënceneerd evenement (onderzoek 2) om het effect te meten van de training in het NICHD-interviewprotocol op de verbetering van kennis en interviewpraktijken onder forensische interviewers van Indonesische kinderen (politie-onderzoekers en maatschappelijk werkers) als deelnemers. De belangrijkste bevindingen bevestigen eerdere studies dat de training in het NICHD-interviewprotocol effectief was om de interviewpraktijken van de deelnemers te verbeteren. Concreet toonden deelnemers meer kennis over het geheugen van kinderen en betere interviewvaardigheden door meer open uitnodigingen en minder gesloten vragen toe te passen in hun interview dan voor de training. Bovendien onthulde de bevinding in onderzoek 2 dat getrainde interviewers meer details van de geënceneerde gebeurtenis van de kinderen kregen in vergelijking met pre-trainingsinterviews.

Concluderend zal dit proefschrift bijdragen aan het verschaffen van inzicht en aanwijzingen voor een programma voor capaciteitsopbouw om de huidige forensische verhoorpraktijken van kinderen in Indonesië te verbeteren. Politierechercheurs als forensische ondervragers van kinderen moeten goed worden opgeleid. Deze inspanning is cruciaal in het belang van kwetsbare kinderen en voor een rechtvaardige samenleving.

## **IMPACT**

In this impact chapter, I discuss the scientific and societal impact of the present dissertation. Specifically, I will discuss the scientific impact of the research of my dissertation. Furthermore, I will discuss to what extent my findings contribute to society. In addition, I will describe which target groups might benefit from my findings. Finally, I will discuss activities that can be undertaken to disseminate the findings of my dissertation.

### **Research**

This PhD thesis contains the first empirical field studies investigating the existing practices of child sexual abuse (CSA) cases prosecution in Indonesia. Consequently, this dissertation showed the current conditions of CSA police investigation in Indonesia. Specifically, it showed insufficient interviewing practices, limited knowledge and biased attitudes toward the alleged victim when practitioners were exposed to irrelevant background information. Of relevance, I also revealed that an intensive training in the NICHD interview protocol, as an evidence-based child interview protocol, benefits practitioners who work in the field of CSA investigation. I showed that the training exposes participants to relevant theoretical background knowledge and research on child forensic interviewing. The training also provides opportunities for participants to practice new interviewing skills with their colleagues and to reflect upon their practices. It is clear that the NICHD training has the potential to improve current interviewing practices and knowledge levels among Indonesian practitioners who conduct child forensic interviews. My findings concerning the effectiveness of the NICHD protocol are promising as they could be helpful in formulating a policy to move forward from intuition-based practices to research-based practices in child forensic interviewing of alleged CSA victims.

Another important aspect of my research findings relates to the observation that many previous legal psychological studies are conducted in Western, Educated, Industrialized, Rich, and Democratic countries (WEIRD; see Heinrich et al., 2010) with a majority of college student populations (Arnett, 2008; Thalmayer et al., 2021). There exists a lack of research on the generalizability of these studies' findings to non-WEIRD contexts. Interestingly, the findings of this PhD study replicated previous studies that were conducted in a WEIRD context. Therefore, this thesis demonstrated that evidence-based practices serve as universal guidelines and are applicable in an Indonesian context.

## **Relevance**

This PhD thesis offers important and useful data for the practices of Indonesian law enforcement in working with CSA allegation cases. My findings are timely because recently, some important legal changes occurred in Indonesia. Recently the Indonesian government published the new act on sexual violence, namely *Undang-Undang No.12/2022 tentang Tindak Pidana Kekerasan Seksual* (Republic Indonesia, 2022). Furthermore, the head of the Indonesian National Police (INP) launched a new regulation, *Perkap No.6/2019*, concerning the management of police criminal investigations that highlighted the importance of science-based investigations (The Indonesian National Police, 2019). Specifically, this revision clearly stated the need to involve the application of forensic psychology in investigating cases. The practical implication of this PhD thesis regarding the importance of training in an evidence-based child forensic interview fits well with the notion of science-based criminal investigation as stated in the recent police regulation.

The results of my PhD thesis can also be used to deal with the criticism of the public about the way the Indonesian police handles reports of CSA cases. On October 2021, there was a social media discourse in relation to an alleged CSA case at Luwu Timur district in Indonesia when the INP dropped the investigation of the case. There was a trending Twitter feed of *#PercumaLaporPolisi - #ItisUselessToReportToPolice*. Some of the practical recommendations mentioned in the General Discussion chapter, such as applying an evidence-based protocol, recording the interview, the specialized police interviewer role, are highly relevant as corrective actions to respond to the criticism voiced concerning the quality of police investigations.

## **Target Group and Dissemination**

All studies reported in this PhD thesis used practitioners as participants. These practitioners are police investigators and child protection workers who work with cases on a daily basis. One of their mandated roles as practitioners is conducting a child forensic interview. The studies presented in Chapters 3 and 4 have revealed a less-than-optimal level of knowledge and skills to support them in conducting a proper child forensic interview. The main reason for this suboptimal level of knowledge and skills is a lack of training and education on psychological aspects relevant to CSA investigations (e.g., children's memory, interviewing techniques). Hence, the main target group that will benefit from my findings are practitioners who conduct child forensic interviews.

Given the increasing number of reported child sexual abuse cases and the existence of new law concerning sexual abuse cases, recently there is a plan to establish the Children and Women's directorate under the INP criminal investigation board. The Children and Women's unit used to be a sub-unit of the criminal investigation unit under the directorate of criminal investigation. This plan could be viewed as an effort to improve and strengthen the capacities in working with sexual abuse cases. The findings and practical implications of this PhD are highly relevant for the establishment of this Children and Women's directorate under the INP.

Moreover, the findings and recommendations of my thesis could be beneficial to other legal professionals as well. This PhD thesis provides important insights for lawyers, public prosecutors, and judges. That is, for lawyers, memory-based statements of their clients (e.g., alleged victims, suspects) can become important for planning their legal advice. The understanding on how memory works and how interviewing techniques affect memory could support their work. As a case manager, public prosecutors possess legitimacy to ensure a proper police investigation by promoting the use of an evidence based child forensic interview protocol, such as the NICHD interview protocol. Therefore, my advice is that public prosecutors should possess knowledge concerning the proper way to obtain credible statements. They are expected to know that the quality of memory-based statements depends on the techniques used to elicit the statements. The application of an evidence based interview protocol, such as the NICHD interview protocol, is critical for obtaining credible statements.

Another important target group are judges. In the Indonesian legal system, judges are expected to bring justice by their sentencing decisions. This PhD thesis contains important knowledge for judges in evaluating evidence, such as the statement of eyewitnesses and/or victims, as well as suspect confessions. This thesis provides some guidelines on how to obtain credible statements, to evaluate the veracity of statements, and to mitigate bias from the exposure to irrelevant case background information concerning alleged CSA victims.

### **Activities and Products**

As part of the preparation for the study in Chapter 6, I adapted the revised NICHD protocol into Bahasa Indonesia. This Bahasa Indonesia version was used for the field study about the effectiveness of the NICHD interview protocol training for Indonesian practitioners. The study in Chapter 6 serves as initial evidence for the use of the translated interview protocol in an Indonesian context. Furthermore, I have designed a child forensic interview training and have

tested the applicability of the training manual using the Bahasa version of the revised NICHD interview protocol. The effectiveness of this training manual could be examined in the future for capacity building of practitioners who conduct child forensic interviews.

During this PhD project, I have conducted several workshops and seminars for practitioners who work with alleged CSA victims. Specifically, I provided trainings/workshops for police investigators in the Greater Jakarta area and social workers and psychologist at the Children and Women's center under the Jakarta provincial office. An intensive collaboration with some stakeholders, such as the INP criminal investigation board, the INP psychologists and the Children and Women's center has been set up for the data collection purposes of this PhD project. After completing the data collection and analyzing the data, I have disseminated the PhD research findings in several meetings initiated by them. For example, I have provided a number of half-day seminars and workshops for police investigators and psychologists who might play a role in the future as trainers in the NICHD interview protocol and as speakers on the legal psychology of CSA investigations.

As part of this PhD project, I have published several open access articles about the existing conditions of CSA investigations in Indonesia. Consequently, some stakeholders in the field of child protection and law enforcement invited me to deliver a talk. Specifically, I was asked by the national public prosecutors' office, the Indonesian National Police office, and civil society groups (e.g., a child protection working-group) to present my findings. At these events, I promoted the importance of using research-based tools in investigating CSA allegations, such as an evidence based interview protocol, recording the interview session, and involving specialized child forensic interviewers. I received positive feedback from the participants and the leadership of these institutions. They showed positive attitudes toward the ideas to improve existing practices.

Finally, given my extensive involvement before this PhD project in the Indonesian Forensic Psychology Association (*Asosiasi Psikologi Forensik – APSIFOR*) of the Indonesian Psychologists Association (*Himpunan Psikologi Indonesia – HIMPSI*), I used the APSIFOR forum and network to disseminate the findings of my PhD project. I have provided several activities, such as a workshop on the psychology of memory in the legal arena for the professional organization members, a sharing session on research-based forensic interviewing, and lectures for Bachelor and Master students at several universities in Indonesia on the topic of

forensic and legal psychology and the psychology of CSA investigation. Moreover, during the final year of my PhD project, I had used opportunities to disseminate the findings of my PhD project in my experiences as a consultant and expert witness in a police investigation and later at the court hearing. As an expert witness, I explained to legal officials how human memory works, and how to obtain credible statements. I provided input to police investigators concerning best practices to interview eyewitnesses and alleged victims.

My activities to disseminate the findings of this PhD thesis extend beyond the national level. I have presented most of my studies at international and regional conferences. I have attended and shared my studies at the European Association of Psychology and Law (EAPL) conference in 2019 in Santiago de Compostela, Spain; the International Investigative Interviewing Research Group conference in 2019 in Stavern, Norway, and virtually at the Society for Applied Research in Memory and Cognition South East Asia Regional Meeting in 2021. Additionally, I was invited as a speaker at the first edition of the Zoom Psychology and Law Symposium (ZPLS) organized by Maastricht University, Erasmus University Rotterdam, and Catholic University of Leuven, and at the virtual conference of the EAPL in 2021. Next to presenting at international conferences, I have also been involved in writing a chapter on cultural aspects of (child) forensic interviews and in drafting a white paper about child forensic interviewing initiated by the EAPL. Finally, I have been involved as an expert-consultant for a book entitled: Investigating allegations of sexual exploitation and abuse of children occurring in humanitarian settings: Reflection practice as part of the Project Enhancing Justice for Child Survivors of Sexual Exploitation and Abuse conducted by the Justice Rapid Response organization.

### **Planning and Implementation**

As explained in previous sections of this impact chapter, I have conducted several activities to disseminate and to implement my PhD findings. However, I think these initial activities should be followed up and expanded upon to improve the existing conditions of CSA cases investigation in Indonesia. My main interest focuses on efforts on building the capacity of police investigators and social workers who handle reports of CSA allegations. I noticed the current momentum in Indonesia to promote justice in sexual abuse cases, including CSA. These include the previously mentioned publication of new law on sexual offenses, the revised INP regulation concerning the procedure in working with children's cases, and the plan for the establishment of a Children and



Women's directorate under the INP. Thus, this PhD thesis can be used as a baseline for improving practices, knowledge, and attitudes of practitioners in this field.

I propose short-term and long-term plans as an implementation of the results of this PhD thesis. All plans center around the value of research-based practices in which legal or forensic psychological research findings are put into practice. For the immediate and short-term plan, efforts to disseminate my PhD thesis findings are crucial. This could be conducted via different types of educational programs, such as seminars, workshops, and trainings for practitioners. These activities might create ripple effects of raising awareness of the need for evidence-based practices for practitioners. I believe that these educational programs could increase awareness of the importance of legal and forensic psychological research among practitioners. This short-term plan targets the improvement of practitioners' skills, knowledge, and attitudes by means of a bottom-up approach.

Moreover, to ensure sustainable improvement, long-term plans should be implemented. First, I believe that evidence-based practices of investigations should be explicitly stated in the official regulations (e.g., the INP regulation, and the public prosecutor guidelines). It would be an ideal situation if the application of a research-based child interview protocol is a mandate in a regulation to be complied with by practitioners. Second, it is highly important to integrate legal and forensic psychology research findings in the curriculum of police investigators dealing with criminal investigations. I have revealed the lack of education on legal psychology in the existing program for police investigators. Third, it is worth to consider the idea of specialized child forensic interviewers with certification, quality assurance and mandatory continuing education. The idea that every investigator is able to conduct a child forensic interview is obsolete because of the requirements for a successful and proper child forensic interview (e.g., skills in rapport building, ground rules, and open questions). Overall, to promote a legal and forensic psychology contribution in the Indonesian criminal justice system, there is a need for the existence of a legal psychology laboratory where academics and researchers meet practitioners to produce knowledge and best practices for conducting criminal investigations of CSA cases. My long-term plans will only be successful if the leadership within stakeholder organizations have faith in the efforts to educate their staff. Thus, these long-term plans require a top-down approach to create and sustain the necessary improvements.

## DISSEMINATION

### International Journal Publications

Sumampouw, N. E. J., Otgaar, H., La Rooy, D., & de Ruiter, C. (2020). The quality of forensic child interviewing in child sexual abuse cases in Indonesia. *Journal of Police and Criminal Psychology*, 35 (2), 170-181. <https://doi.org/10.1007/s11896-019-09342-5>

Sumampouw, N., Otgaar, H., & de Ruiter, C. (2020). The relevance of certain case characteristics in the successful prosecution of child sexual abuse cases in Indonesia. *Journal of Child Sexual Abuse*, 29 (8), 984-1003. <https://doi.org/10.1080/10538712.2020.1801930>

Sumampouw, N., Bjørndal, L. D., Magnussen, S., Otgaar, H., & Brennen, T. (2022). Knowledge about eyewitness testimony: A survey of Indonesian police officers and psychologists. *Psychology, Crime, and Law*, 28 (8), 763-777. <https://doi.org/10.1080/1068316x.2021.1962868>

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Sumampouw, N. E. J., Kemala, C. N., & Pudjiati, S. R. R. (Submitted). Wawancara forensik anak saksi korban kekerasan seksual dengan protokol NICHHD versi Bahasa Indonesia (The child forensic interview using the NICHHD interview protocol – Bahasa version for alleged CSA victims). *Jurnal Psikologi Forensik Indonesia* (Journal of Indonesian Forensic Psychology).

### **Book Chapters**

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### **Oral Presentations**

Sumampouw, N., Nijenhuis, L., de Ruiter, C. & Otgaar, H. (September, 2021). *Does the NICHHD interview protocol protect interviewers from bias by the pre-interview background information about the alleged child sexual abuse victim?* Paper presented at the virtual conference of The International Investigative Interviewing Research Group (iIIRG)

Sumampouw, N. (August, 2021). *Cultural considerations in psychology and law*. Invited speaker in an interactive session at the virtual conference of European Association on Psychology and Law (EAPL).

Sumampouw, N. (July, 2021). *The role of child forensic interview in legal proceeding of CSA cases*. A flash talk at the virtual meeting of British Society of Criminology Vulnerability Network.

Sumampouw, N., de Ruiter, C., & Otgaar, H. (June, 2021). *NICHHD interview protocol training improves Indonesian child forensic interviewers' knowledge about children's memory and interviewing skills*. Paper presented at the virtual South East Asia regional meeting of Society for Applied Psychology Research in Memory and Cognition.

Sumampouw, N., de Ruiter, C., & Otgaar, H. (May, 2020). *The NICHD interview protocol training for child forensic interviewers in Indonesia*. Paper presented at the Zoom Psychology and Law symposium (Z-PLS).

Sumampouw, N., Otgaar, H., & de Ruiter, C. (July, 2019). *The effect of extra (ir)relevant information concerning child sexual abuse on statement credibility and the construction of an interview plan*. Paper presented at the conference of European Association on Psychology and Law (EAPL), Santiago de Compostela, Spain.

Sumampouw, N., Otgaar, H., & de Ruiter, C. (June, 2019). *Police confirmation bias on CSA cases*. Paper presented at the conference of the International Investigative Interviewing Research Group (iIIRG), Stavern, Norway.

Sumampouw, N. (November, 2018). *Investigating child sexual abuse cases: Does police investigator cognitive bias matters?* Paper presented at the Law and Mind conference, Krakow, Poland.

### **Poster Presentations**

Sumampouw, N., Otgaar, H., & de Ruiter, C. (July, 2018). *Did your father touch you? The quality of police child interviewing*. Poster presented at the conference of the International Investigative Interviewing Research Group (iIIRG), Porto, Portugal.

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## **CURRICULUM VITAE**

Nathanael Elnadus Johanes Sumampouw (Nael) was born on December 5th 1981, in Jakarta. He finished his secondary education at Kolese Kanisius, an all-boys catholic school run by the Jesuit. Then, he continued his education at the Faculty of Psychology, Universitas Indonesia. During his late-adolescent, there was a reformation era in Indonesia in which he was exposed to social justice issues. After involving in a humanitarian program in North Mollucas, a post-conflict area of Indonesia, for a semester, he obtained his bachelor's degree in 2004 after defending his thesis regarding the traumatic experiences and forgiveness of school-aged children who witnessed the social conflict. After graduation, he worked as a program manager at the Crisis Center Faculty of Psychology, Universitas Indonesia. Meanwhile, he started working in the academic field as an assistant lecturer. In 2005, he was granted a scholarship for his master's degree to become a psychologist, majoring in adult clinical psychology and minoring in child clinical psychology, from the Faculty of Psychology, Universitas Indonesia. He finished his first master's degree in 2007 and started his practice as a clinical psychologist. Since 2008, he has worked as an academic staff/lecturer at the Faculty of Psychology, Universitas Indonesia. Since 2010, he has been elected as a board member of the Indonesian Forensic Psychology Association (APSIFOR). Being referred to criminal cases as a clinical psychologist led him to deepen his knowledge of forensic and legal psychology. In 2014, he was granted a scholarship from the Netherlands, Studeren in Nederland (StuNed), for the one-year master's program in Psychology and Law at Maastricht University. At the end of his master's program, he obtained an approval letter from his master's thesis supervisors to enrol in a PhD program in Forensic Psychology. He received an LPDP (the Indonesian Endowment Fund) scholarship that fully funded his PhD in Forensic Psychology at Maastricht University and that started in January 2017. Then in December 2019, he enrolled in a joint doctoral programme between Faculty of Psychology and Neuroscience, Maastricht University and Faculty of Law and Criminology, KU Leuven, Belgium.