



Professionals as Evaluators or Indoctrinators in Sex Abuse Cases

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ABSTRACT: When sexual abuse is alleged, professionals often interview the child in a manner that constitutes indoctrination rather than investigation. When professionals are convinced from the beginning that events have happened, they may use highly manipulative and coercive methods to elicit disclosures. A "network" of professionals who interact with the child witness may mutually influence the child. The witness psychologist must carefully examine the original interviews, medical records, and testimony of everyone involved to evaluate the extent to which such contamination may have influenced the child's statements. Two cases from Sweden illustrate this process.

As a witness psychologist I have been working with psychological evaluation of oral evidence in legal cases for about 17 years, 9 of these as head of the Laboratory of Witness Psychology at Stockholm University. The subject of most of the hundreds of cases I have been involved in has been alleged child sexual abuse, and, in three recent cases, also ritual abuse.

After many years of research and experience in the field of child sexual abuse, I find it most urgent to bring into focus the problem of professionals functioning as indoctrinators instead of evaluators. At this symposium, many of the speakers have elucidated this problem. But it needs to be stressed particularly in the area of child sexual abuse, where malpractice is often condoned and even committed by professionals who are thought of as being especially skilled and therefore are seen as experts — namely child psychiatrists and child psychologists.

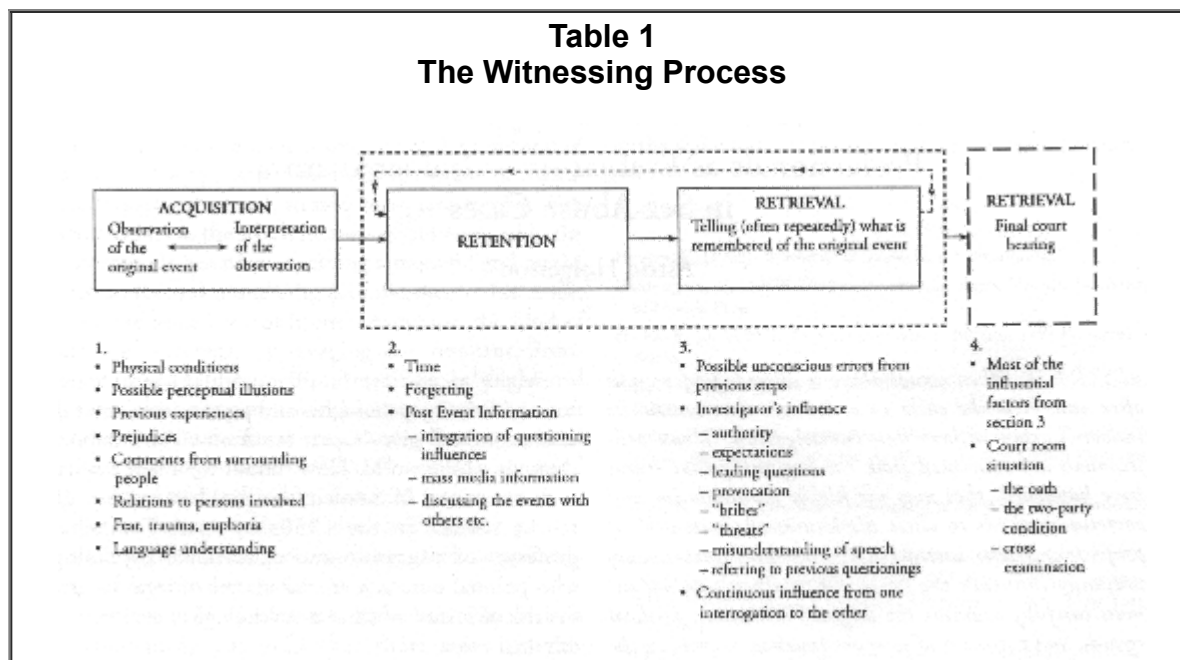
Many of you are familiar with the problem of having clinical psychologists and psychiatrists enter the courtroom and give "expert testimony." This happens throughout the world. How should the court evaluate such testimony? In Sweden, this problem was brought to the surface in the 1950s by Arne Trankell, a professor of education and educational psychology who pointed out, as a crucial matter of legal security, the risk of misuse of clinical psychological testimony in criminal cases.

Formal Structure Analysis

Trankell (1956, 1963, 1972, 1980, 1982) developed a model for "witness psychological investigation" of individual cases called Formal Structure Analysis, which forces the investigator to work in a strict scientific way when evaluating the individual case. Every step in the investigation must be controlled and documented so that the court and the parties can make their own independent judgments of the psychological evaluation.²

The early contributions by psychologists in the courtroom very often were focused on evaluating persons' (especially children's) credibility by testing intelligence,

suggestibility and so on. In the 1950s, the focus was changed from trying to assess persons' credibility — which is a delicate and uncertain affair — to investigating and assessing the credibility of statements. Table 1 illustrates this process.



The most important pioneer work on Statement Psychology and Statement Analysis was made by Udo Undeutsch, professor of psychology at Köln University, starting in the end of the 1940s (Undeutsch, 1967).

The main tool of investigation used in the Formal Structure Analysis is the Statement Reality Analysis which is founded on the theory that statements about self-experienced events show different characteristics from statements about non-experienced events. By a systematic analysis, using specified Reality Criteria (e.g. concreteness, spontaneity, originality, unique details, homogeneity, resistance to suggestion), one can assess whether or not statements are likely to represent self-experienced events and phenomena. Well-grounded theories of memory, perception, and learning are necessary basic knowledge for formulating relevant hypotheses and a profound methodological training is needed for analyzing and interpreting verbal statements. Scientific knowledge and experience are also needed concerning the special phenomenon at issue in the individual case (e.g. child sexual abuse allegations or eyewitness identification of a person).

Today, when witness psychologists in Sweden are appointed (usually by the court) to evaluate the credibility of children's statements in sexual abuse cases, the cases are often already prosecuted and are under court trial. In those cases, there are often "expert" opinions given by clinical child psychologists and/or child psychiatrists in favor of the prosecution.

It is not uncommon for these professionals to have directed the development of children's statements in one specific way — towards a "disclosure" of some events that the professionals believe have happened. Professionals, such as psychologists, psychiatrists, social workers, and police investigators, who specialize in the field of sexual abuse often appear to have received training in "making" children tell about sexual abuse. They may use unethical, manipulative methods and even lies to get the child to tell (Furniss, 1991). Hypothetical questions such

as, "If he did something to you, what could that be?" are used, and then the answers are interpreted as if they described real events.

In Sweden, police investigators may develop hypotheses concerning the alleged events they are expecting to hear from the child, and then describe these to the child in their interrogations. This is an extremely effective teaching technique. Police interrogators may not take no for an answer. Although they say they believe in the child, they do not believe it when the child says nothing has happened. Table 2 gives an example of this.

Table 2
Excerpt from a Police Interrogation

Lisa: **He has never done it, he is not that nasty.**

Police: But if he should have done it anyway ...

L: (distinctly) **But he hasn't done it!**

P: No, no, but I'm only saying if he should have — **let us only pretend** — then it is very important that **especially I** get to know it....

L: (very decisively) **No.**

P: ... then I can take action and stop it. One mustn't do these things to children.

L: **He has not done it!**

P: You know this is very important for policemen. Your grandpa is a policeman. He must have told you that it is important to tell the police.

L: **I am telling — and that is how it is.**

P: Hm.

L: **Why don't you believe me?**

P: I don't know.

L: **But he has never done it!**

P: I can understand that it is tough. I have talked to so many girls.

L: **Oh gosh — I can't stand it!**

P: It is very tough, **but you know as soon as you have told me ...**

L: (interrupts with indignation) But stop now — as **he has not done it** and still, all the time **you say that he has** — then it becomes tough — **as it hasn't happened.**

P: Yes, that I can understand, **and if there is no truth in what you say**, then I can understand that it is tough.

L: (seriously) **He has not done it.**

P: And there is nobody else that has done it?

L: No.

Comments:

Lisa is spontaneous, open and very decisive — nothing has happened. (The suspect was the mother's new husband). Lisa shows adequate indignation of not being believed. The Police use a bad trick — let's pretend that he has done it — which should be forbidden as it can lead children to devastating fantasy

imaginings. Lisa strongly resists even this remarkable suggestion. The police interrogation went on in the same manner for more than one hour — a serious abuse of the 8-year-old-girl.

The police investigation should have stopped here. Instead, the girl was taken to a foster home and *two months later* the foster mother called the police and said that *now the girl had told "more."* Three further police interrogations took place in the foster home, and during the last one they *got the girl to agree* to some speculations. Only this part was presented in court, and the man was convicted. In the Appeal Court, a Witness Psychological Analyses of *all four* police interrogations was presented and the man was acquitted. The girl, though, was still kept in the foster home!

Parents, as well as professionals, are influenced by popular and professional literature, television, advocacy networks, and "experts," and have expectations that can make them misinterpret children's messages and imagine things that were never said — or meant — by the child. Often, unfounded accusations of sexual abuse contain no descriptions of abusive events spoken by the child. But, in order to please an interrogating parent or an overzealous professional, and without capacity to resist grown-ups' manipulations and suggestions, the child finally nods assent and even repeats verbally the stories suggested by the interrogator.

Small children, who have not been sexually abused and have no traumatic experience of that kind, can easily repeat suggestions such as putting a penis in the vagina or even in the mouth, as they have not experienced any real event of that kind and therefore have no idea of what it really means. The "traumatic background" that the interviewer believes in does not exist. For the child, it is just like any other fantasy and it makes the interviewer happy.

These sources of error can be revealed through Statement Reality Analysis. This technique allows the witness psychologist to assess whether there are any spontaneous statements about abuse coming from the child or whether the evaluators, out of their own biases and expectations, have suggested the answers through leading or manipulative questions or different kinds of "bribes."

Often, professionals appear to have forgotten even the most elementary psychological knowledge about perception, memory, learning and suggestibility — knowledge that must be considered when evaluating the content of persons' statements in general, and especially the content of children's statements. Small children's way of using new words without knowing their meaning is, for instance, one thing that must be kept in mind when trying to find the origin and meaning of children's statements. It is important to determine whether the evaluator/interrogator and the child are talking about the same things. Grown-ups' interpretations of words differ from those of a child, especially when it comes to sexual words.

Examples

Two recent Swedish criminal cases involving allegations of sexual and ritual abuse illustrate what can be revealed and introduced to the court. In the first case (from a small city in northern Sweden), a girl of 18 accused her father of sexual abuse and later also of ritual abuse — in which the mother and a lot of other people (doctors, priests, politicians, etc.) were said to have been involved.

In February 1992, the father was sentenced to 10 years' imprisonment for sexual abuse, mostly grounded on psychological and psychiatric testimony (*Hovrätten för övre Norrland*, dom DB 2015,1992-02-13). After the father was jailed, the girl's stories continued to grow into ever more elaborate, absurd and unbelievable abuse (child murder, abortion, etc.), and finally the Swedish Supreme Court admitted the father a new trial (*Högsta Domstolens beslut SÖ 591*,1993-10-25). That new trial is the one I was involved in. The girl was now 20 years of age.

The witness psychological investigation included:

- Analysis of the original videotaped police interrogations of the girl;
- Study of the audiotaped court hearings with people involved from the very beginning in the investigation of the case;
- Study of all medical records from the psychiatric clinic involved in the case.

The investigation revealed, among other things, a process of networking and high influential pressure put on this girl.

The "network" around the girl included:

- A lay child protection worker;
- A child psychologist, considered an "expert" on child sexual abuse;
- One of the chief child psychiatrists in the same psychiatric clinic as the child psychologist;
- One gynecologist from the same hospital;
- And one policeman — the one who finally made the official police interrogations of the girl.

After 6 weeks of networking and mutual influencing, the official police investigation began. During these 6 weeks the child psychologist had 9 sessions with the girl along with many contacts with the reporting child protection worker. The psychologist even spoke to the policeman twice, asking him if he thought she had "enough" now for making a report to the police — or if she should "pressure" the girl further.

The network surrounding the girl included two "fundamentalists" from a women's center who were also involved in the network. These women regularly visited the girl in the child psychiatric clinic where she was staying for a long time during the police investigation of the alleged ritual abuse. During the new trial, people from the women's center were gathered around the girl during the court recesses. This was quite important in evaluating the girl's steadily growing ritual abuse stories.

The result of this new trial in the Court of Appeal was that the father was unanimously freed on all points of prosecution (*Hovrätt för Övre Norrland*, DB 1180,1993-12-30) and he was later paid damages by the State.

The second case (from a small city near Stockholm) has many similarities with the first one — not least the active involvement of certain persons in both cases.

In this second case the father had earlier been sentenced to 10 years' imprisonment (*Svea Hovrätt*, DB 156, 1992-11-05) and the mother to 5 years (*Svea Hovrätt*, DB 78, 1993-05-27). Both parents were admitted new trials by the Supreme Court (November 1993) because of the now 18-year-old girl's implausible stories about ritual abuse with at least 50 murdered children. The police dug in the woods where the girl had pointed out one or two spaces but found nothing.

It was revealed through court hearings during the new trial that the foster mother in this second case — who was the driving force behind the girl's allegations — had been in contact with the network of the first case since the fall of 1992. In her testimony in court, the foster mother stated that her first personal contact with that network was the child psychiatrist, and that later (February, 1993), she established contact with one of the above-mentioned women's center representatives. That woman — most actively involved in case number one — actually sat in the courtroom every day during the new trial of this case number two "to give support to the girl."

The Statement Reality Analysis of the seven police interrogations in the second case provided much important information. This analysis strongly indicated that the girl was not abused by her father. The following examples also demonstrate that the police did not perform a professional objective work in this case.

In the beginning of *the first police interrogation*, when the girl tries to answer the police woman's question, "Who made this?", the girl looks at the police interrogator and says:

Girl: (With an appealing look): Can you see if I am lying, then please tell me.

Police: I don't think you are lying. I believe in you.

Girl: I don't believe in me.

Some minutes later.

Police: Did it happen once or many times that your daddy made sex to you?

Girl: I don't even know if it has happened.

Further some minutes later.

Girl: I may be lying.

Police: [*The police investigator says she will 'help' the girl to remember and gives the leading and suggestive question*]: You said you had felt his "thing" in your hand, that your dad penetrated you with his "thing."

Girl: It may not even have happened.

Police: But you remember it. What more do you remember?

Girl: I may not even remember. It may be something that I have just made up.

Police: Hm, but now — We don't bother about that.

It was also revealed that the police investigator got information beforehand from the foster mother about what the girl had said. (When the official police investigation started, the girl had already lived in the foster family for about 8 months.) The girl repeats over and over again during these first seven police interrogations that "more" will be coming out of her but she must go home and think about it. In *the end of the fourth interrogation* the following statement from the girl reveals the influence and preparation at home. The girl says to the police:

You should know that there is a lot more within me, but *I want to test it at home first*, because it is so nerve-racking to know that when I come here, something will sort of happen, and *if one says something wrong it will be turned against one*.

Despite an enormous body of highly reasonable doubts about the accuracy of the allegations, the court did not have the courage (or will) to free the father in this second case but the penalty was reduced from 10 to 5 years of jail. The mother was freed (*Svea Hovrätt*, DB 67, 1994-05-03). The conviction of the father was appealed by the Defense. The Attorney General opposed the Appeal — and the Supreme Court did not allow any further trial. An application to the European Court of Human Rights is now under preparation.

In this second case, the court declared in their written judgment that the girl's statements about ritual abuse, such as the murdering of children and cannibalism, and the parents' alleged "selling" of her to other men and women, could not be considered trustworthy. But to explain the girl's absurd stories, the court clung to the hypothesis, proposed by the prosecution's experts, that these extreme stories could be a consequence of the girl's traumatic experiences of real sexual abuse by her father! A psychologist appointed by the court supported this idea and testified that, for the girl, these stories could be a way of "distancing" herself from memories of real abuse — a hypothesis for which there exists no empirical corroboration.

Relevant here is the advice to a court by the American psychiatrist, Lee Coleman (1992) in a case he had evaluated (my emphasis):

I cannot emphasize strongly enough how important it is for the court, in studying this case and deciding what is reliable and what is not, to understand that *if common sense leads to one conclusion about where the truth lies, the use of psychiatric labels and esoteric explanations should not cause the court to abandon what the facts otherwise seem to show*.

Instead of using common sense and facts, the court in this second case accepted an "esoteric," unfounded explanation, which almost turned the girl's implausible stories into support for the hypothesis of sexual abuse. This is an example of misuse of psychological evidence.

There were "fundamentalists" or "fanatics" — or whatever people in these networks of believers and profiteers should be called — involved in these two cases. A professor of sociology at Uppsala University, Eva Lundgren, who is a believer — certainly not a scientific researcher — in ritual abuse, has been working with the above mentioned "women's center representative" who were closely involved in both these cases. In a new book edited by Lundgren (1994), she and her co-authors (including the women's center representative) write about this second case. The girl's stories are presented as if they were true and thereby factual evidence for the existence of ritual abuse and what the rites can contain — in this particular case as well as in cases in general. This book clearly illustrates the unscientific and illogical circular reasoning that is used to support the authors' own beliefs.

The Bjugn Case

Finally a few words on the Bjugn case where psychology seems to have been misused with the purpose to create evidence out of children's non-statements.

There are interrogations where the child says absolutely nothing about any abusive behavior. On the contrary, the child may say that she "doesn't remember any abuse" or that she "doesn't want to lie." The interrogator tries to persuade the child to answer questions such as, "If he did something — what could that be?" This instructs the child that answering an "if-question" does not mean lying.

In the same way the interrogator does not accept the child's denial that she has never been in the suspect's home:

Professional: Now, I shall put these "*if-questions*," you know.

Child: Yes.

Professional: So, say: If you should have been in Per's home — what do you think it would have looked like in his home?

The child cannot answer but says that she has seen one of his rooms *on television*. The interrogator continues with the if-questioning.

Professional: But *if you should guess* what it ... or *what you think it might have looked like* in Per's home — *if you had been there*. Do you remember that?

Child: *I haven't been there*, you know that.

Professional: Yes, but *what do you think?*

Child: *It must have been a kitchen and a room, anyway.*

The interviewer continues asking the girl what she "thinks" was in Per's home, and during this inquiry the interviewer herself draws a picture of Per's home by picking the *guessed details* (tables, sofas, stairs, bedroom, bathroom, etc.) that the girl *imagines* "must have been" there. In the interrogator's written report to the court it states that, "The girl could give many details of what it looked like in Per's home."

It should be obvious to everybody — and especially to child psychiatrists and child psychologists — that this kind of manipulation of a child is serious child abuse and a threat to legal security for children as well as for adults.

Addendum

The so-called hypothetical questioning has been introduced and promoted by a highly manipulative "indoctrinator" in the field of child sexual abuse. His name is Tilman Furniss and he is supposed to be a professional expert" — which makes his work extremely dangerous. Furniss is now professor of child and adolescent psychiatry at Münster University, Germany. He has been working earlier, both in Amsterdam and London. He has also been invited to lecture in the Scandinavian countries. His promotion of unethical and manipulative methods to *make children tell* was underlying the Bjugn day care centre case in Norway that led to disaster for the suspect and his family, even though he was in the end unanimously acquitted. It also destroyed the life of many other families as well as the life of a whole fishing village.

In Sweden, Furniss' proselytizing — supported by the Swedish "Save the Children" organization — has infected not only the work of child psychiatrists, psychologists, and social workers in handling sexual abuse cases, but also the professional police work (see the Lisa interview in [Table 2](#)). Professionals in cases in other countries have also been seduced into using the manipulative methods that are promoted by

Furniss. The most extensive and far-reaching damage in a single case, initiated by Furniss' ideas and activities, is that of the Montessori case in Münster. This case has been under investigation and trial for more than three years, with one male educator held in custody for more than two years, suspected of having molested 63 children. On May 16, 1995, this man was finally acquitted (see four well-researched articles by Giesela Friedrichsen and Gerhard Mauz in *Der Spiegel*: nos 39/1993; 25/1994; 21/1995; 22/1995).

By appointment of the court, professor Günter Köhnken, Kiel University, Germany, presented a report, dated February 27, 1995. After a thorough scientific examination and analysis of the available factual statement material and its history of origin, Köhnken found that the children's alleged statements in the Montessori case could be a product of misinterpretations, expectations, suggestibility, learning, group pressure, etc. These alternative hypotheses have not been tested in the case or — as it seems — not even thought of. All these factors can be traced back to the very beginning of this sad story.

It is apparent that the self-appointed experts on child sexual abuse — Tilman Furniss and his followers in the child protection organizations — are the originators of this destructive affair. The first statements are *second hand statements* made by a child protection worker from the child abuse organization "Zartbitter." This lady alleges that a 4-year-old boy said to her, on November 7, 1990, that "Rainer put a finger in my bottom." This alleged statement was given in answer to the Zartbitter lady's question, "What do you get when you have fever?" The 4-year-old boy's alleged answer can have a very simple explanation, such as having a thermometer put in his bottom. Neither the Zartbitter lady — who was a close friend of the family — nor the boy's parents could ever get the boy to repeat the alleged statement. Despite that, three months later, on February 25, 1991, the suspicion founded on this alleged statement — heard by nobody else but the Zartbitter lady — was forwarded to the Leader of the Kinderhaus — and so the "Montessori case" was born and started to develop.

Since this paper was first presented in October, 1994, the Norwegian Director of Public Prosecutions (Riksadvokaten) has officially investigated the handling of the Bjugn Case by the police and the prosecution. In the final report, the director of the investigation states that "hypothetical questioning" should not be used in criminal investigations and that the police and prosecution must stay in control of what medicine and psychology present in criminal cases.

In the Montessori case the court said that it is irresponsible to use the hypothetical questioning technique in criminal investigations. Except for the risk of forcing children to give wrong information, such a method ruins the possibility of ever finding out what really happened.

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¹ This paper was originally presented at the First International Forum: Child Protectors and Clients, The Netherlands, June, 1995.

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² For a more detailed introduction into the Formal Structure Analysis, I refer to my Ph.D. thesis (1990): *FAKTA I MALET-vittnespsykologins bidrag vid bedömning av sakfragan i enskild rättsfall*. Stockholms universitet. Akademityck. ISBN 91-7146-803-X. An English summary "Questions of Fact — the Use of Psychology in the Evaluation of Evidence" is published (1994) in *Issues in Child Abuse Accusations*, [6\(3\)](#), [139-148](#). [\[Back\]](#)

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