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Induction of memories and psychological criteria of assessing credibility of testimony

Summary

The phenomenon of false memory induction is one of the most difficult problems in psychological assessment for legal purpose and in the evaluation of testimony against the psychological criteria of credibility. Induction as discussed here was defined as a psychological phenomenon. The mechanisms which led to induction were identified, including the role of emotions, suggestions, lies, memory processes, and motivations for giving testimony. The process of induction was characterised by the by the consideration of the following criteria for assessing the credibility of testimony, i.e. its stability, structure, inclusion of details in the description of the situation and context and the use of spontaneous corrections. The analyses relating to induction were presented in the context of interviewing victims of sexual harassment.

Keywords: psychology of witness testimony, induction, lie, suggestion

Introduction: what is false memory induction?

The phenomenon of inducing memories constitutes one of the most difficult problems in issuing forensic psychological opinions and in assessing whether the testimony complies with psychological criteria of credibility. The most frequently encountered questions that the Courts direct to forensic experts in psychology include the following two:

– Does witness's testimony comprise contents resulting from induced memories or past experiences that took place before the date of the offence the suspect is charged with?
– If so, what circumstantial premises assessed from the psychological point of view indicate that?

Because the phenomenon of induced memories is most often revealed in cases concerning sexual harassment also the analysis made in the hereby work will refer to sexual attacks cases.

The possibility of induced memories may be indicated by psychological mechanisms connected with the role of witness, as well as the content of the aggrieved party's testimony and their complementation with the versions of other witnesses. Also knowledge of the mechanisms of wielding influence and psychological manipulation is useful. All those instruments aim at determination whether memories have been induced by means of assessing the psychological credibility criteria for testimony (Gruza, 2003, Ackerman, 2005).

The presumptions presented in the hereby article concerning the role of witness and psychological mechanisms responsible for inducing memories constitute the basic questions in psychological evaluation of credibility of testimony, both in terms of formal and methodological side. Therefore, in the hereby work we will discuss various doubts that an expert witness in the area of psychology may encounter in addressing questions relating to the process of induction of memories.

According to the definition in the polish dictionary edited by W. Doroszewski the verb *indukować* when referring to psychological phenomena means *to evoke a reaction or change* (sjp.pwn.pl/doroszewki/lista). The verb *induce* derives from the noun *induction* (latin: *inductio*), which means introducing into a state or initiating some phenomenon.

In psychology *induction* denotes transferring emotions or other psychological contents between given persons in the process of communication (Dosiak, Wojtyna, Underman, Bojarowski, 2005). Factors that facilitate induction include strength and character of emotional reaction between the emitter and recipient. Such understood induction of memories may be conscious or unconscious (Dosiak,

Wojtyna, Underman, Bojarowski, 2005). A distinctive case of this process is induced delusional syndrome, which takes place when delusional symptoms from a mentally ill person by a formerly healthy person. Not only delusional symptoms may be induced by but also attitude, judgements evaluating a given subject, belief or interest (Dosiak, Wojtyna, Underman, Bojarowski, 2005, Prochowicz, 2009).

In psychology of testimony induction relates to specific content and it is a mechanism of constructing a lie, but is also connected with forming attitudes, beliefs or false memories.

Important factors facilitating the induction are the age, intellectual, personal, emotional and social competencies of the person undergoing induction, his/her attitude to the significant person who suggestively influences the persons subject to induction, and their general life situation, and relations with social environment (Dosiak, Wojtyna, Underman, Bojarowski, 2005, Prochowicz, 2009).

Predisposing factors include, according to psychologists, also specific features of persons in whom the process of induction has taken place. Raised neuroticism, psychoticism, histrionic tendencies, timidity, proneness to suggestion are just a few among psychological features that can augment susceptibility to induction (Gruza, 2003, Ackerman, 2005, Dosiak, Wojtyna, Underman, Bojarowski, 2005, Kiembłowski, 2005, Prochowicz, 2009).

Psychological mechanisms connected to the role of witness and their functions in the process of induction

Practical experiences of evaluating testimony lead to an observation that a factor important for the phenomenon of induction is emotional state the witness (the aggrieved) was in during the incident in question. Strong negative emotions impede restoring the incident. At the same time, it is experiences that constitute the basic condition for providing valid/ credible testimony. The basis of unreliable testimony is formed by the ideas. It is the ideas that make the groundwork of induced contents (Gruza, 2003, Ackerman, 2005, Sitarczyk, 2009).

According to Arntzen (1998) recognising whether experiences or imagined ideas underlie the content of the testimony constitutes the basic condition of evaluating the credibility. If the witness – the victim of sexual harassment says: *he pushed his tongue into my mouth, it was disgusting* – such narration indicates her own experience. However, if she testifies that the perpetrator *kissed her the way a man kisses a woman, penetrated my mouth with his tongue* – this kind of statement indicates ideas and refers to a comparison "obscuring" or "replacing" personal experiences.

Therefore, it is important to recognize whether a witness, while describing a given incident gives an account of events known from his/her own experience or reaches out to assumptions about a possible course of a given incident, behaviour or phenomenon.

The events that incidentally occur in witness's life, particularly those evoking strong emotions that go beyond his/her experiences so far, could not be described precisely particularly, as regards the course of the incident, reactions of the involved persons or emotional physiological processes experienced by the witness, due to strong emotions, unpredictable character of the incident, general terror or agitation (Memon, Vrij, Bull, 2003).

Another symptom of possible memories induction is the compliance or non-compliance of the description of the incident or process (e.g. sexual harassment) with psychological or social principles of the phenomenon. For example, in the dynamics of sexual harassment the moment of revealing is important for assessment of its course and genuineness. If the process of revealing is compliant to the psychological principles, i.e. occurs just once, to a trustworthy close person with whom the victim feels safe and verbalising the memories is done under influence of circumstances important to the aggrieved, then we consider the testimony as credible (Kiembłowski, 2005).

Testimony may be considered as unreliable when it describes an unusual act of revealing. Victims of sexual violence as a rule entrust their secret to one person and are not willing to reveal it to anyone else. In case of induction witnesses testify that they have already told their version to a few persons. Often, they unconsciously strive to make their version more likely and act in conformity with, so-called, social proof principle, according to which the more persons know about a case, the more probable described facts and events become (Cialdini, 1998). The mechanism of social proof principle is an important factor for induction. It leads to increasing the likelihood of a given version of the incident through taking an assumption that if people talk about it, this is, how it was.

The aggrieved persons usually remember the moment of disclosure, as well as its the situational and social context. If the witness – the aggrieved – states that the revealing was done upon an impulse, in the circumstances that he/she does not remember, or a witness admits he/she does not know why he/ she said or revealed something, *disclosed* the secret, this behavior of a witness lowers the psychological evaluation of the credibility of the testimony. For example, the witness/ aggrieved when questioned a few years later about the motivation for revealing the

harassment may state: *I do not remember why I told what had happened when I was with that gentleman. I do not remember whether I wanted to attend the interrogation or somebody had said it was necessary for me to go. I don't remember why I decided to tell about it – whether I decided to do it or someone had told me that I should have told. It is difficult for me to say whether if I had not told then I would have done it today.*

A specific criterion in the evaluation of testimonies is their history. In the assessment of narration in order to verify whether the contents provided by the witness are not induced two factors are important: the history of giving the testimony and the role of witness (Arntzen, 1998, Gruza, 2003, Ackerman, 2005). In the sincere testimonies all consecutive statements are similar and any variations are justified from the point of view of the specificity of memory processes connected with remembering, storing and restoring observations.

The experiences of the Authoress indicate that due to the specificity of induction the initial testimony of the witness is usually very precise and rich in details while the following ones significantly differ from the first one. It is characteristic for induction that the witness reports the incident in detail and the report comprises elements that are impossible to remember. However, after a few years such testimony in the aspect of content becomes completely inaccurate and the witness confuses the story and almost all the time explains this by forgetting. Such a situation may suggest that in case of the first testimony the interviewed person had tried to play the role of a good witness but after a few years she/he did not care anymore. An additional problem is forgetting the first version, which, during strenuous attempts to recollect this version may be very difficult, actually impossible versus playing the role of a good witness (Sitarczyk, 2015).

In non-induced testimony the general scheme of the incident would be retained, some details would have been forgotten, and changes would be adequate to the course of the process of forgetting. A witness would not in principle demonstrate tendencies to plead non-remembering and in the course of testimony, flashbacks would appear, symptoms of autobiographic memory, which consists in recollecting (becoming aware of) extremely vividly and precise various observations (mainly visual) (Anderson, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003).

The memories typical for flashbacks are durable, accessible and very detailed. They concern important emotional events of important consequences to a person. A characteristic feature of this type of memories include a high level of confidence and conviction about one's infallibility as regards memories, which, in fact may be characterised by low accuracy. Their presence results from effect of emotional experiences during the incident. Extremely strong and distinct emotions felt in the given situations set off a particular memory mechanism, which can be compared to opening and closing of the shutter in a photographic camera (Anderson, 1998, Carter, 1999).

In induced testimony no flashbacks like this are present either in the content or form. On the contrary, witnesses state that *after so many years it is hard to recollect anything* and they ask for reading out their previous testimony. Others admit that they do not remember the incident but they do remember they testified. An example of witness's statement: *I remember that I testified. That testimony concerned harassment. The accused harassed me. I remember in what circumstances this happened; maybe I do not remember as clearly as a few years ago. On my way back from school the accused offered to drive me home. I did not get home, because Mr. Accused, instead of driving me home turned into a forest road. Fortunately, I managed to escape. This is all I remember.* In such a narration. It is worth to turn one's attention to the fact that the witness when talking concentrates on memory processes (*I remember that I testified. That testimony concerned harassment.)* and not the emotional ones (e.g. *I do not want to remember that. It was horrible,* etc.), which are so characteristic for violence victims.

In some cases, particularly in induction concerning sexual harassment, it cannot be excluded that the content of the testimony indicates induced trauma deriving from a psychologist, psychiatrist or persons close to the aggrieved, which during the conversation about personal, school or family problems try to clarify the reasons for fear, depressive states, poor school results or asocial behaviour. In such circumstances evocative questions may be asked (e.g. Whether the source of the problems is the fact of sexual harassment in childhood: *were you sexually harassed during childhood?)* and silence or denial is taken for not being ready to reveal the problem of harassment. Therefore, in the process of induction of a witness (the aggrieved) we have to do with a self--fulfilling prophecy, working according to the induced memories mechanism: *if the psychologist asks about it, it is possible that it was so.*

At this point, we enter the problems of suggestion in interpersonal relations perceived as the process of influencing or as a stimulus by means of which the influence is exerted (Cialdini, 1998). Treating the suggestion as the basis of induction it is necessary to refer to the meaning of multi-element suggestive situation consisting of certain external conditions

(someone's presence, relations among people, ways of making the suggestion) and internal ones (emotional state hampering self-control and assessment of situation) (Jagiełło, 2015).

According to psychologists (Arntzen, 1989, Draheim, 2003, Bruck, Melnyk, Jagiełło, 2015) the aim of a suggestion is evoking certain reactions in the recipient, in whom opinions, interests, attitudes, course of psychical and psychological processes, or specific behaviours are induced, e.g. *but you were there and saw.*

By suggestion it is possible to determine both intentional conscious action and unconscious influence (Arntzen, 1989, Bruck, Melnyk, 2004, Jagiełło, 2015). A characteristic feature of suggestion is departure from processes of rational reflection and logical analysis. A person subject to induction is not capable of or is no interested in critical assessment of statements concerning a given incident.

In psychology of witness' testimony a special attention is paid to the separateness of suggestion mechanism from the course if rational judgment. Suggestion is clearly differentiated from arguing or impelling (Jagiełło, 2015, Sitarczyk, 2009). It is a subtler process, because is it principally connected with lack of social symmetry, domination of the inductor over the recipient and the inductor and recipient's levels of competence differ (Jagiełło, 2015).

Another feature of suggestion is *the potential character of reaction contained in the suggestive stimulus* (Jagiełło, 2015, p. 69). The person being subject to suggestion has a possibility of acting in line with a suggestive message or contrary to it. This feature makes suggestion different from situation of acing under coercion. *In natural circumstances, suggestions on autobiographic occurrences are presented to a person as information on his/her own experiences coming from several sources (witnesses, experts, police officers) (Jagiełło, 2015, p. 70).* Suggestion influences the content of memories and personal experience and processes of perception of the information source (as credible and having honest intentions) intercede its effect, as well as processing information contained in autobiographic memory (Abderson, 1998, Certer, 1999, Draheim, 2003, Jagiełło, 2015).

According to Bruck and Melnyk (2004, p. 982) four components lie at the foundation of susceptibility to suggestion:

1. effect of false information, i.e. including suggested information into possessed memories (misinformation effect, post-incident information effect);
2. incorrect monitoring of information sources (source misattribution);
3. creating false memories;
4. susceptibility to suggestion connected with influence of social factors (interrogative suggestibility).

In real life the course of suggestion leading to memories induction may be, as follows: a psychologist enquires a juvenile girl *whether in her childhood or recent past there have been situations she would rather forget about* and in this moment incorporating the suggested information into the already possessed ones occurs.

The juvenile is aware that she has problems in relations with adults, the Headmaster of the school she attends has notified The Family and Juvenile Court about evasion from schooling, her parents suggest *it is not her fault.* The juvenile develops a conviction that others, adults, for example teachers may be responsible for her problems – in this case misjudged monitoring of information sources takes place. At this point it is close to believing that the juvenile has been sexually harassed by important adults, e.g. the Headmaster. False memories are generated, and their building up in connected with the influence of social factors, such as, for example, searching the sources of emotional and personal problems of the juvenile, who plays truant, does bad at school and avoids her mates.

The pathological induction mechanism described above shows that classical induction is not an example of any of three types if lies that people use: open lie, exaggeration and subtle lie (Witkowski, 2002, Gruza, 2003, Memon, Vrij, Bull, 2003). Induction of memories is not an open lie because the person subject to induction by giving up to someone's suggestion remains under influence of external circumstances and is convinced that a given incident or its prerequisites actually took place. It is not an exaggeration, either, because induction often concerns small, seemingly insignificant matters. The closest relations refers to induction and subtle lie, specific conviction that what the person is saying is true and the entire behaviour of the person in the role of a witness is truthful.

Travestying the words of Tomasz Witkowski (2002) who refers to a lie as an act of behaviour encompassing three aspect: logical, linguistic and psycho-actor we can similarly characterize the induced memories. They refer to the logical layer of an incident and then its narration, the semantic sphere and role of witness, manners of behaviour in this role, as well as the meaning of this role for a given person. The motif of induction may be complexes, lack of reflection, low level of interiorization of moral standards, the desire to be to evoke sympathy, gain importance, support and, finally, the need for power and retaliation. A personal context of induction includes specific psychological features

such as raised neuroticism, psychoticism, timidity, inadequate self-assessment, complexes, proneness to suggestion, submissiveness, dishonesty (Arntzen, 1998, Witkowski, 2002, Gruza, 2003, Memon, Vrij, Bull, 2003, Ackerman, 2005).

Induced memories and evaluation of testimony in psychological credibility criteria categories

In order to solve the question whether the contents found in in the testimony given by e.g. an aggrieved person result from induced memories or real experiences it is necessary to refer from the psychological criteria of evaluating credibility testimony.

Issuing opinions on the credibility of testimony encounters considerable methodological difficulties (Fenik, 2001, Gaberle, 2001, Polanowski, 2001, Skowronski, 2000, Staręga, 2001) and therefore forensic psychologists have long searched for unambiguous and valid criteria of evaluation of informative value and well as credibility of testimony (Fenik, 2001, Gaberle, 2001, Polanowski, 2001, Skowroński, 2000, Staręga, 2001).

In literature of the subject (Arntzen, 1998, Draheim, 1993, Gruza, Goc, Moszczyński, 2011, Hołyst, 1989, Maciejski, 2009, Kołakowska, Lach, 1999, Majchrzyk, 2006, Memon, Vrij, Bull, 2003, Stanik, 1986) credibility of testimony is defined as the degree of likelihood of an incident in objective reality of the facts revealed in the testimony. In this meaning, likelihood may be strong or feeble, small or big, high or low. However, credibility of testimony is evaluated in qualitative and not quantitative categories.

Therefore, credibility may be categorised in different ways: from logical to illogical utterances, from contextual testimony to unprecise information as regards place, time or either social or physical space, from structured statements to ones that are chaotic, unorderly, fragmentary, from statements full of details significant for the description of the incident to generalized ones lacking in details, from coherent description of facts, actions and behaviours to chaotic, incoherent, self-contradictory as regards reported facts, activities or events (Arntzen, 1998, Skowroński, 2000, Staręga 2001, Vrij, Akehurst, 2003).

Credibility should be distinguished from truthfulness and unreliability from lie. Credibility is not a psychological term but a legal one and only the court has the competence of definitely assess credibility of testimony (Arntzen, 1998, Gruza, Goc, Moszczyński, 2011, Memon, Vrijh, Bull, 2003).

From the legal point of view there are four criteria for evaluation of credibility and power of evidence. They include: life experience, sources of knowledge, logic, and likelihood of a version based on symptomatic character of evidence, while the most important criterion is logic (Memon, Vrij, Bull 2003).

In psychology, similarly to the law, testimony credibility is based on criteria referring to the content of testimony and motivation of witness. As regards the criterion of content of witness's statements mainly assertive and assertoric sentences (Gruza, Goc, Moszczyński, 2011, Maciejski, 2001, Draheim, 1995). The first ones have character of subjective opinion, expressing a conviction and thus making an assessment or reflexion, while the latter ones constitute stating a fact.

Presently, in forensic psychology several dozen of various credibility criteria are identified and there are nearly as many classifications. The first systems of criteria of content, formal structure of testimony, observation and physiological criteria were proposed by German psychologists in 1950s (Undeutsch, Trankell, Littmann after Arntzen 1998). Arntzen's (1998) concept is among the most popular classifications, based on the above criteria.

Independent of the system used for categorizing psychological indices of credibility of testimony it is possible to talk about four principal groups of indices of truth and falsehood that may be observed on four levels of testimony: textual content of message, verbal style of presentation of message, non-verbal behaviours accompanying the message, and physiological reactions of the person giving testimony (Arntzen, 1989, Gruza, Goc, Moszczyński, 2011, Marten, 1984). In induced testimony often the content of the message is incompatible with non-verbal indices, i.e. it is as if a witness knew what he/she should be saying but did not know how to say it.

In the analysis of psychological criteria of credibility evaluation more and more often also criteria referring to the history of testimony are applied, as well as its construction, linguistic characteristics of the manner of testifying, functional analysis of the utterances (Marten, 1984) and resistance to destructive factors are applied. Other used criteria refer to indices of motivation and those based on non-verbal communication (Vrij, Akehurst, 2003).

As far as history of testimony is concerned, stability of testimony in several interviews distant in time as well as kind and way of making subsequent supplements are considered. It is assumed that in 2-3 year time interval stability of credible testimony should be demonstrated in referring to the essence of the incident, its course, relation between the involved persons, social, time and physical context, as well as the significant details. According to this model, credible testimonies do not differ in those points on subsequent occasions even if they are quite a long time apart, and the evidential value of stability increases when every testimony is spontaneous

(Marten, 2011, Gruza, Goc, Moszczyński, 2011, Sitarczyk, 2015).

Induced testimony is characterised by instability in terms of description of essence of incident, for example, in the first testimony a witness stated that *when she was on the way back from school the Headmaster drove up to her in his passenger car and proposed a lift home, which she accepted. During the journey, the Headmaster suddenly turned into the forest, stopped the car and started kissing her on the mouth, touching her private parts and putting his hands under her blouse, touched her breasts.* In the testimony given after three years from the incident the aggrieved stated: *today, I remember that the incident took place, but I don't remember its exact course.* She added that *the perpetrator probably had held his hand on her knee.*

In psychology of witness testimony (Arntzen, 1998, Mac Farlance, Feldmeth, 2002, Gruza, Goc, Moszczyński, 2011, Memon, Vrij, Bull, 2003, Ackerman, 2005, Bielski, 2005) he emphasises that the initial testimonies are usually most sincere. Induced testimonies may be logical as regards the course of an incident, behaviour of the perpetrator and the aggrieved. They often comprise probable course of actions of the persons involved, the witness provides logical sequence in terms of reporting perpetrator's actions, and gives correct time proportions. At the same time, such testimonies are deprived of many important details. They lack a full description of the incident according to the rule: action – reaction – action (Arntzen, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003, Ackerman, 2005, Sitarczyk, 2009). The rule of three-section description of relations among the persons involved in the incident takes place, among others, when the witness reports: *I'm walking along the road* (action) *a car pulls up* (action) *this man invites her to get inside* (action) – *she gets into the car* (reaction). In unreliable testimony often there are two-element interactions (*I managed to open the door with the inner handle and escape, I was sitting, thinking about It all and crying)* or concentrated only on the description of behaviour of one party participating in the incident, e.g. just the perpetrator of harassment.

It can be derived from literature of the subject that one of the indices of unreliable testimony is indigence of details. A detail is precise information concerning behaviour, experiences and attributes of persons, objects or events. The number of details given by a witness is an important criterion distinguishing truthful testimony from false ones. The total number of details in a false testimony is lower than in a truthful one (Arntzen, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003, Ackerman, 2005, Sitarczyk, 2009).

In case where memories have been induced a witness does not provide details spontaneously and, when enquired about them, makes mistakes, is susceptible to suggestions of the person who asks questions, avoids giving an unrestrained version of the story. Also a form of narration including such phrases as *I guess it was as many as, for example, if I don't remember I don't know, so I don't know, it seems to me* may suggest induction, uncertainty of the witness as to own version of the incident but it not characteristic for the victims of sexual violence who remember behaviour of the perpetrator with details, only have problems with verbalizing them. However, they hardly ever use phrases typical for induction: *I guess, for examples, its seems to me, please read out my previous testimony.*

In case of strong emotional experiences we have to do with a phenomenon of incadence, i.e. a sudden inflow of memories (Arntzen, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003). Induced testimony has no interjections, spontaneous corrections and supplementations so characteristic for the testimony burdened with strong emotions. In natural sincere testimony there are spontaneous corrections and redundant details (Arntzen, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003).

The redundant details may occur jointly with the criterion of describing interactions, when interjections show the whole sequence of events. Persons faking their testimony as a rule do not provide details of that type (Arntzen, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003). In case of induced memories the aim is the most believable description of the incident and therefore active rationalizing effect, no unnecessary or weird details are thus created.

An additional indicator suggesting induced memories is lack of spontaneous corrections. If, when testifying, a witness by him/herself, without inquiries, corrects and changes the testimony, she/he is more credible. It is so because due to intense emotions felt while testifying and going back the dramatic experiences. The emotional tension causes that witnesses do not recollect events and facts in a linear way, but fragment by fragment (Arntzen, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003, Kiembłowski, 2005). At the same time, in induced testimony we have to do with ideal, linear order observed not only in the description of the incident itself but also in narration of its results.

If a witness provides a version without corrections, with no interjections, corrections and supplements and reports it in such a way as if he/she was making a synopsis of a short story there is a high probability that it is a false version. Moreover, in case of induced testimony the stories by a few persons may be alike and describe the incident in a similar way. For example, the aggrieved woman says: *I did not keep in touch in any of girls or boys from my class. I did*

not go go out and I did not meet anyone. Her mother testifies: *my daughter does not want to keep in touch with her friends, she does not want to go out, will not talk, mainly stays in her room. Until January she had been completely different – happy, sociable, talkative. It can be seen that this incident is implanted deeply inside her.* The aggrieved girl's grandmother claims that the granddaughter *does not want to have contact with girls of her age, does not want to go out, does not talk, spends most of the time in her room. Until January she had been completely different, happy, sociable, talkative. It can be seen that this incident is implanted deeply inside her.*

Also the descriptions of the incident, as provided by the aggrieved, her mother and grandmother are remarkably similar and contains such details as: *On the girl's way back from school the Headmaster drove up to her in his passenger car and proposed a lift home, which she accepted. During the journey, the Headmaster suddenly turned into the forest, stopped the car and started kissing her on the mouth, touching her private parts and putting his hands under her blouse, touched her breasts. In a certain moment, the girl opened the door and escaped into the forest and then ran home.* She also presents the harassment in the same day, as the grandmother: *During the journey, the Headmaster suddenly turned into the forest, stopped the car and started kissing her on the mouth, touching her private parts and putting his hands under her blouse, touched her breasts.* The aggrieved, in her first testimony, describes the course of incident in an identical way as the above quoted statements of the witnesses.

From the psychological point of view such convergence in the content is characteristic for the learned version, which undoubtedly has an instrumental role and was purposefully determined (Arnzten, 1999, Gruza, 2003, Memon, Vrij, Bull, 2003, Ackerman, 2005).

In induced testimony difficulties occur in the characteristics of the context if the incident. Witnesses have problems with identifying the time context (date of incident), social context (whether they spontaneously told anybody about it, who were other witnesses, were there any unpredictable circumstances with involvement of third persons) and territorial context (space, where this occurred). In contextual statements a witness is, while describing the incident, able to associate it with external circumstances (when was it, where was it, how long did it last, who saw something, who heard something) and in what way the circumstances were set in the witness's life. On the other hand, in induced testimony a reliable description of emotions experienced by the witness or the aggrieved person and presentation of perpetrators likely emotions are missing (Arnzten, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003, Ackerman, 2005).

One of characteristic features of induced testimonies includes the absence of clear structure in a free description of incident, with clearly defined initial, middle and final parts (Arntzen, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003, Ackerman, 2005). For instance, in induced testimonies a significant discrepancy may appear between a general description of initial situation and a detailed narrative of sexual abuse. Such narration brings the suspicion of inducing memories, as it happens rather infrequently that the animator of false testimonies remembers how, and not only what, the person he or she works with, is about to say. In cases of inducing the memories of sexual abuse, the fluency of imagination refers to the course of abuse or the fact of being abused, while completely ignoring the description of initial and/or final situation, such as the moment of disclosure.

In evaluating the reliability of testimonies, it is essential to write down the contents of the statement. The more precise the transcription, the less probability of inducing. It often happens that witnesses speak chaotically, whereas the interviewing person shapes their statements in a more clear, logical structure, and therefore induce by suggesting the witness that the incident happened in this or that way. Sometimes it happens that witnesses want to provide the fullest picture of circumstances, however using minimum number of words, stumble, have problems with word fluency, style of their utterances is poor, and therefore they are being asked more questions and corroborate or negate the statements uttered by interviewers.

The process of inducing may also appear as a transmission and as such, causes the situation that the next witnesses will be asked the questions resulting from the version elaborated during the testimony by a victim. These can be evocative questions, such as: *did the victim experience depression?* instead of: *how did the victim feel?*

Therefore, a free version is of paramount meaning for the evaluation whether the testimony fulfills psychological reliability criteria. An unrestrained version of testimony, according to the state of knowledge in criminology, means *natural and uninhibited declaration* (Arntzen, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003, Ackerman, 2005). As a rule an unrestrained testimony is followed by a series of questions (finding out). Here, it is worth to remember that inquiring does not consist in asking evocative questions, e.g. *did the victim experience depression?* but open questions: *how did the victim feel?* In the latter case, at the stage of asking additional questions, it is more difficult to induce a witness.

In the analysis of inducing, a separate attention should be paid to the language used by the witness.

The more natural language, adequate to a witness's age, educational background and intellect, the higher probability of truthfulness and reliability of testimony. In false testimonies, also the induced ones, there may be some expressions, obscure words, incomprehensible for the witness or inconsistent with a local tradition or model. For instance, if a witness, a 15-year old student testifies: *I felt penetration of his tongue in my mouth,* than such way of speaking, uncommon for present teenagers, suggests induced speech irrespectively whether this has taken place at the stage of manipulating the evidence to prove someone guilty or at the stage of disclosing true offence.

In case of induced contents, it is also important to point out that a conceptual apparatus (words, descriptions used by a witness) is related to personal experience, which may constitute a body of knowledge on the facts stated by the witness (Arntzen, 1998, Gruza, 2003, Memon, Vrij, Bull, 2003, Ackerman, 2005).

In evaluation of the reliability of testimony, the motives for giving the testimony are also important. In particular, youngsters in adolescence period have the tendency for instrumental treatment of testimonies and may change them intentionally, in order to attain a certain goal.

Summary

Induction of false memories as a process and essential prerequisite for assessing reliability of testimony, is a challenge for psychologists who participate in the court hearing. Being subject to induction is characteristic to witnesses in different age and various roles and depends not only on personal traits and experiences of a witness, but also on the motivation behind giving the testimony.

According to the experience of a court expert witness, the opinions on induced memories are diversified, and the phenomenon requires a thorough psychological research, in natural conditions, while taking the advantage of reports from testimonies, participation of psychologist in a court hearing and a careful court case study, complemented by reliable diagnostic studies with use of the latest psychological tests.

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