

CHILDREN AND CROSS-EXAMINATION

WILL IT CHANGE THE RULES?



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Children And Cross Examination Time To Change The Rules

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Worley**

Children And Cross Examination Time To Change The Rules:

Children and Cross-Examination J R Spencer, Michael Lamb, 2012-06-01 In 2009 Stephen Barker was convicted of rape on the evidence of a little girl who was four and a half years old at the trial and about three and a half when first interviewed by the police. The high point of the proceedings was the child's appearance as a live witness in order for Barker's counsel to attempt a cross examination. This case focused attention on the need imposed by current English law for even tiny children to come to court for a live cross examination. In 1989 the Pigot Committee proposed a scheme under which the whole of a young child's evidence including cross examination would be obtained out of court and in advance of trial. In 1999 a provision designed to give effect to this was included in the Youth Justice and Criminal Evidence Act but it has not yet been brought into force. The full Pigot proposal was implemented however in Western Australia and similar schemes operate in a number of European jurisdictions. This book of essays examines a number of these schemes and argues the case for further reforms in the UK.

Children and Cross-Examination J R Spencer, Michael Lamb, 2012-06-01 In 2009 Stephen Barker was convicted of rape on the evidence of a little girl who was four and a half years old at the trial and about three and a half when first interviewed by the police. The high point of the proceedings was the child's appearance as a live witness in order for Barker's counsel to attempt a cross examination. This case focused attention on the need imposed by current English law for even tiny children to come to court for a live cross examination. In 1989 the Pigot Committee proposed a scheme under which the whole of a young child's evidence including cross examination would be obtained out of court and in advance of trial. In 1999 a provision designed to give effect to this was included in the Youth Justice and Criminal Evidence Act but it has not yet been brought into force. The full Pigot proposal was implemented however in Western Australia and similar schemes operate in a number of European jurisdictions. This book of essays examines a number of these schemes and argues the case for further reforms in the UK.

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Communication in Investigative and Legal Contexts Gavin Oxburgh, Trond Myklebust, Tim Grant, Rebecca Milne, 2015-09-29 Communication in Investigative and Legal Contexts. Despite a number of research studies there remain significant differences of opinion among psychologists, linguists and other practitioners on how best to describe particular types of questions and communicate most effectively in forensic contexts. Communication in Investigative and Legal Contexts brings clarity to the subject by providing readers with in depth coverage of the complex area of communication in forensic settings for example during investigative interviewing of victims, witnesses and suspects, high interest groups during discourse in courtrooms and via legal intermediaries and interpreters. Drawing on knowledge from forensic psychology, linguistics and law enforcement worldwide the text is unique in bridging the gap.

between these fields in a definitive guide to best practice with chapters written by teams bringing together expertise and specialties from each field Part of the Wiley Series in the Psychology of Crime Policing and Law the book is also linked to the International Investigative Interviewing Research Group iIIRG a worldwide network of interviewing professionals working with international bodies committed to improving investigative interviewing and ensuring all improvements are underpinned by a robust evidence base Contributors are sourced from North America Europe and Asia Pacific ensuring International relevance

Forensic Psychology Graham M. Davies, Anthony R. Beech, 2017-10-23 Introduces forensic psychology to students and professionals who want to better understand psychology's expanding influence on the study of law crime and criminality Forensic psychology is a constantly growing discipline both in terms of student interest and as a profession for graduates This book highlights the often sizeable gap between media myths surrounding forensic practice and reality Editors Graham Davies and Anthony Beech present an exciting and broad range of topics within the field including detailed treatments of the causes of crime investigative methods the trial process and interventions with different types of offenders and offences Forensic Psychology Crime Justice Law Interventions Third Edition covers every aspect of forensic psychology from understanding criminal behaviour to applying psychological theory to criminal investigation analysing the legal process and the treatment of witnesses and offenders Each chapter has been thoroughly revised and updated with the latest findings The book also includes two entirely new chapters one on psychopathy and crime the other on female offenders Drawing on a wealth of experience from leading researchers and practitioners this new edition will interest and enthuse today's generation of students All chapters thoroughly revised and updated Features two brand new chapters Supplemented by additional online resource materials including related links multiple choice questions and PowerPoint slides Authored by a wide range of experienced forensic psychology professionals Forensic Psychology Third Edition is essential reading for undergraduates first encounter with the subject area and is an excellent introduction for more specialised postgraduate courses

Closing the Justice Gap for Adult and Child Sexual Assault Anne Cossins, 2020-10-21 This book examines the justice gap and trial process for sexual assault against both adults and children in two jurisdictions England and Wales and New South Wales Australia Drawing on decades of research it investigates the reality of the policing and prosecution of sexual assault offences often seen as one of the hardest crimes to prosecute across two similar jurisdictions Despite the introduction of the many reform options detailed in the book satisfactory outcomes for victims and the public are still difficult to obtain Cossins takes a new approach by examining the nature and effects of adversarialism on vulnerable witnesses jury decision making and the structures of power within the trial process to show how and at what points that process is weighted against complainants of sexual assault in order to make evidence based suggestions for reform She argues that this justice gap is a result of a moralistic adversarial culture which fosters myths and misconceptions about rape and child sexual assault thus requiring the prosecution to prove a complainant's moral worthiness She argues this culture can only be eliminated by a radical

replacement of the adversarial system with a trauma informed system By reviewing the relevant psychological literature this book documents the triggers for re traumatisation within an adversarial trial and discusses the reform measures that would be necessary to transform the sexual assault trial from one where the complainant's moral worthiness is on trial to a fully functioning trauma informed system It speaks to students and academics across subjects including law criminology gender studies and psychology and practitioners in law and victim services as well as policy makers Finding the Truth in the Courtroom Henry Otgaar, Mark L. Howe, 2018 Finding the Truth in the Courtroom combines the science behind deception and memory and their relation in court Testimonies are oftentimes the most important piece of evidence in legal cases Hence this book shows how such testimonies can be riddled with deception and or memory errors how to detect them and what you can against them Intermediaries in the Criminal Justice System Plotnikoff, Joyce, Woolfson, Richard, 2015-06-16 Intermediaries are independent communication specialists who assist children and vulnerable adults who are involved with the criminal justice system for example during police interviews or at trial This is the first book to look in depth at the role of intermediaries and the remarkable success that their increasing involvement with the justice system represents Built on case studies and interviews the book offers a comprehensive explanation of the work of intermediaries and their place in the larger criminal justice system **Forensic Psychology** Thomas Davis, 2020-12-10 This fascinating and research led textbook gives students the facts and the tools they need to engage critically with the psychological dimension of the criminal justice system Accessibly written and packed with the latest psychological research Forensic Psychology Fact and Fiction is an engaging and wide ranging exploration of both foundational and contemporary issues The book prepares students to weigh up evidence and arguments and reach their own conclusions about the issues and questions that have led them to study forensic psychology Forensic Psychology Fact and Fiction gives students all they need to get to grips with debates about the link between mental fitness and criminal responsibility the purposes and effectiveness of punishment and the use of police force and others It places psychology at its heart combining research with legal perspectives to give the full picture Drawing on global research and examples students are given insights into what differs and what remains the same across jurisdictions and borders Real life case studies illustrate forensic concepts allowing students to see how psychology is applied to criminal behaviour and the response of society to it This comprehensive introduction is ideal for undergraduate students taking a course in forensic psychology Balancing clarity and rigor the book takes the student on a journey from the fundamental concepts through to the application of psychology to forensic techniques Accompanying online resources for this title can be found at bloomsburyonlineresources.com/davis/forensic-psychology These resources are designed to support teaching and learning when using this textbook and are available at no extra cost *Hearsay Evidence in Criminal Proceedings* J R Spencer, 2014-11-01 The Criminal Justice Act 2003 re wrote the hearsay evidence rule for the purpose of criminal proceedings enacting the recommendations of the Law Commission together with some proposals from the Auld

Review In 2008 Professor Spencer wrote a book explaining the new law intended for practitioners as well as academics Following the style of his earlier book about the new law on bad character evidence the core of the hearsay book was a section by section commentary on the relevant provisions of the Act discussing the case law that had interpreted them Since the appearance of the first edition the new law on hearsay evidence has been the subject of a spectacular exchange between the UK Supreme Court and the European Court of Human Rights the effects of which the Court of Appeal has interpreted in several leading cases In this new edition the commentary is revised to take account of these developments As in the first edition the commentary is preceded by chapters on the history of the hearsay rule and the requirements of Article 6 3 d of the European Convention on Human Rights It is followed by an appendix containing the text of the statutory provisions and a selection of the leading cases

Exploring Vulnerability in the Criminal Justice System in England and Wales Laura Farrugia, 2024-08-01 Providing a comparative analysis of both vulnerable witnesses and vulnerable suspects this book discusses the increasingly difficult issue faced by many in modern policing forensic psychology criminology and social justice studies Examining recent legislation guidance current psychological theory and contemporary research and literature the book enhances the currently limited knowledge of vulnerability in the criminal justice system CJS through the presentation of theoretical understanding case law and real life case studies It also explores how vulnerable victims witnesses and suspects progress through the system in England and Wales from initially being identified as vulnerable through to the measures used to assist them during interviews and at trial In doing so it provides a historical overview of how vulnerability has previously been considered and how effective those with vulnerabilities were perceived to be in actively participating in the CJS Further chapters consider how vulnerable individuals are safeguarded the differences in services available to them and what this may lead to in terms of effective participation in the system How vulnerable groups are interviewed what is considered best practice and whether such practices are suitable also come under scrutiny

Exploring Vulnerability in the Criminal Justice System in England and Wales is important reading for students and scholars of policing forensic psychology criminology and social justice studies It will also be of use for any organisations that conduct internal investigations such as non government organizations security and defence organisations and corporate organizations

Cross and Tapper on Evidence Roderick Munday, Roderick J. C. Munday, 2018 Cross Tapper continues to provide exceptionally clear and detailed coverage of the modern law of evidence with an element of international comparison The foremost authority in the area it is a true classic of legal literature

The SAGE Handbook of Child Research Gary B Melton, Asher Ben-Arieh, Judith Cashmore, Gail S. Goodman, Natalie K. Worley, 2013-12-18 It is refreshing to see a book such as this which is both broad in its conceptualization of the field of child research and deep in its focus The volume's editors are paragons of awareness when it comes to the need for interdisciplinary research and theory to illuminate the lives and experience of children James Garbarino Loyola University Chicago Covers a satisfying and unprecedentedly wide range of research relating to childhood The contributors include many

eminent international scholars of childhood making the book a valuable resource for child researchers Child advocates will also find the book to be invaluable in their efforts to improve children's well-being and to change policies and practices for the better Anne Smith University of Otago A really scintillating collection that will provide a lasting perspective on child studies stimulating and comprehensive Jonathan Bradshaw University of York In keeping with global changes in children's social and legal status this Handbook includes examination of children as family members friends learners consumers people of faith and participants in law and politics The contributors also discuss the methodological and ethical requirements for research that occurs in natural settings and that enables children themselves to describe their perspective The book is divided into three parts Part I Setting Specific Issues in Child Research Part II Population Specific Issues in Child Research Part III Methods in Research on Children and Childhood

The Routledge Handbook of Forensic Linguistics Malcolm Coulthard, Alison May, Rui Sousa-Silva, 2020-11-24 The Routledge Handbook of Forensic Linguistics offers a comprehensive survey of the subdiscipline of Forensic Linguistics with this new edition providing both updated overviews from leading figures in the field and exciting new contributions from the next generation of forensic linguists The Handbook is a unique work of reference to the leading ideas debates topics approaches and methodologies in forensic linguistics and language and the law It comprises 43 chapters including entirely new contributions from many international experts in the areas of Aboriginal claimants appraisal and stance author identities online biased language in capital trials corpus approaches false confessions forensic phonetics forensic transcription the historical courtroom legal interpretation multilingual law police crisis negotiation speaker profiling and trolling The chapters include a wealth of examples and case studies so the reader can see forensic linguistics applied and in action Edited and authored by the world's leading academics and practitioners The Routledge Handbook of Forensic Linguistics is a vital resource for advanced students researchers and scholars and will also be of interest to legal law enforcement and security professionals

Criminal Judicial Review Piers von Berg, 2014-11-24 This is a comprehensive guide to challenging decisions of criminal courts and public bodies in the criminal justice system using judicial review Written by a team of criminal and public law practitioners it considers claims for judicial review arising in the criminal justice system which now represent a distinct area of public law These claims are set apart by special considerations and rules for example on the limits of the High Court's jurisdiction or the availability of relief during ongoing proceedings Criminal practitioners may lack the background to spot public law points Equally public law specialists may be unfamiliar with criminal law and types of issues that arise Criminal Judicial Review is intended as a resource for both The book deals with the principles case law remedies and the practice and procedure for obtaining legal aid and costs It will be of assistance to any practitioner preparing or responding to judicial review claims involving the following The Police and the Crown Prosecution Service Magistrates courts the Crown Court and Coroners Prisons and the Parole Board Statutory bodies such as the Independent Police Complaints Commission and the Legal Aid Agency Claimants who are children young persons

or have mental disorders The international dimension including extradition proceedings and European Union law Practical considerations such as CPR Part 54 remedies legal aid and costs From the Foreword by The Rt Hon Lord Judge The book is offered in clear and simple style focussing less on esoteric theoretical considerations and more on the practical needs of the practitioner It brings together materials relating to public law with which a criminal specialist may be less well informed and material relevant to the criminal justice processes which may not be immediately apparent to the public law specialist It will assist with the preparation of arguments and also enable submissions which are unarguable to be discarded It will therefore provide valuable guidance in this broad and developing area of practice The Intermediary in the Criminal Justice System

John Taggart, 2025-07-25 This book undertakes a sociolegal examination of the intermediary role within the criminal justice system The intermediary special measure is one of the most innovative and controversial developments in the history of English criminal procedure But what does the role actually involve That is the central question explored in this book Despite increased academic attention into this new criminal justice actor the content of the intermediary role remains unclear Based centrally on empirical data gathered in England and Wales and Northern Ireland but also drawing upon comparative material from other jurisdictions the book examines how those executing the intermediary role understand its work and how other criminal justice actors perceive it The book then uses this as the basis for generating a theory of the intermediary role and its scope and content It also considers the future of the role and its integration into the criminal justice system This book will appeal to those researching and studying in the areas of sociolegal studies criminal law and criminology as well as lawyers judges intermediaries and policy makers working in relevant areas *Making an Impact on Policing and Crime* Clifford

Stott, Ben Bradford, Matthew Radburn, Leanne Savigar-Shaw, 2020-10-19 Making an Impact on Policing and Crime Psychological Research Policy and Practice applies a range of case studies and examples of psychological research by international leading researchers to tackle real world issues within the field of crime and policing Making an Impact on Policing and Crime documents the application of cutting edge research to real world policing and explains how psychologists insights have been adapted and developed to offer effective solutions across the criminal justice system The experts featured in this collection cover a range of psychological topics surrounding the field including the prevention and reduction of sexual offending and reoffending the use of CCTV and super recognisers forensic questioning of vulnerable witnesses the accuracy of nonverbal and verbal lie detection interview techniques psychological drivers of political violence theoretical models of police community relations and the social and political significance of urban riots This collection is a vital resource for practitioners in policing fields and the court system and professionals working with offenders as well as students and researchers in related disciplines *The Development of Child Protection Law and Policy* Kieran Walsh, 2020-04-02 This book examines how child protection law has been shaped by the transition to late modernity and how it copes with the ever changing concept of risk The book traces the evolution of the contemporary child protection system through historical

changes assessing the factors that have influenced the development of legal responses to abuse over a 130 year period It does so by focussing on the Republic of Ireland where child protection has become emblematic of wider social change The work draws on a wide range of primary and secondary sources including legislation case law and official and media reports of child protection inquiries It also utilises insights developed through an extensive examination of parliamentary debates on child protection matters These materials are assessed through the lens of critical discourse analysis to explore the relationship between law social policy and social theory as they effect child protection While the book utilises primarily Irish sources this multidisciplinary approach ensures the argument has international applicability The book will be a valuable resource for all those with an interest in the development of child protection law

The Cambridge Handbook of Psychology and Legal Decision-Making Monica K. Miller, Logan A. Yelderman, Matthew T. Huss, Jason A.

Cantone, 2024-02-29 Presenting state of the art research this Handbook summarises emerging and establishing topics in the area of legal decision making Interdisciplinary in its approach it covers decisions made within the criminal justice system the trial process and clinical settings Chapters written by accomplished academics and experts in the field synthesize historical context identify gaps in existing literature propose future directions of study and discuss policy limitations It also includes perspectives from the field essays written by professionals a judge an attorney a police officer a trial consultant and a probation officer to bridge the gap between academic research and its application to the real world It is intended as a go to resource for students and researchers who want to immerse themselves in a body of scientific research to understand its history and shape its future

Law of Evidence Nicola Monaghan, 2015-03-26 A clear and accessible introduction to the law of evidence enhanced with numerous case and material extracts and visual aids

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