

Impact case study (REF3b)

<p>Institution: University of Hull</p>
<p>Unit of Assessment: A4: Psychology, Psychiatry and Neuroscience</p>
<p>Title of case study: Increased awareness and changes in the practice of interviewing eyewitness testimonies in the Italian legal system</p>
<p>1. Summary of the impact (indicative maximum 100 words) Two books and review/research articles in Italian have disseminated the findings from the underpinning research on creating false autobiographical memories and the dangers of inadequate interviewing techniques. This work has critically increased awareness in the Italian legal system amongst both barristers and judges, to the point of shaping the practice of interviewing witnesses in that country. It has also informed all verdicts on child sexual abuse by the Supreme Court of Cassation.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>The research conducted at Hull and the books and articles in Italian published since 2006 examined the effect of suggestion on memory about past events (e.g. Scoboria et al 2008; Scoboria et al, 2008; Scoboria et al, 2012; Mazzoni et al, 2010), both in adults and children, and demonstrated that false memories can be easily created, while examining also the boundaries of the malleability of human memory (e.g. the role of different suggestive techniques, Scoboria et al, 2008). Specifically, the research undertaken at the University of Hull has substantially developed initial work in showing that hypnosis might impair memory less than misleading questions (Scoboria et al, 2008). It has also shown that false memories are very common to the point that they can occur spontaneously in childhood (Mazzoni et al, 2010). Additional studies have demonstrated that suggestions are more effective in changing memories if tailored to the individual (Scoboria et al 2012); that suggestions not only create false memories, they also change behavioural patterns and decisions (Scoboria et al, 2008); that false memories guide the individual's behaviour (Scoboria et al, 2012); that it is important to distinguish between two main components to the remembering process, believing that an event occurred and reliving the event (Mazzoni et al, 2010), a distinction that helps understand behaviour in retractors. In addition, the research has shown that also beliefs can be modified in a major way by suggestion, and that beliefs (either true or false) are probably even more important than memories in determining subsequent behaviour and decisions. The research has also examined from a more purely theoretical and empirical point of view the decision of a witness to withhold a response (Scoboria et al, 2008. Hanczakowski et al, 2013). This work has been disseminated in several ways, including articles in Italian scientific psychological journals, law journals, as well as in pop science magazines, magazines for specific professions (e.g. lawyers, police, teachers), and in three books, of which the most recent one is listed.</p>
<p>3. References to the research (indicative maximum of six references)</p> <p>Experimental work (in English):</p> <p>Hanczakowski, M., Pazez, T., Zawadzka, K., Mazzoni, G. (2013). Cue familiarity and 'don't know' responding in episodic memory tasks. <i>Journal of Memory and Language</i>, 69 (3), 368–383.</p> <p>Scoboria, A. Mazzoni, G., Jarry, J. Bernstein, D. (2012). Personalized and not general suggestion produces false autobiographical memories and suggestion-consistent behavior. <i>Acta Psychologica</i>, 139(1): 225-232</p> <p>Mazzoni, G., Scoboria, A., Harvey, L. (2010). Non-Believed Memories. <i>Psychological Science</i>, 21(9) 1334–1340.</p> <p>Scoboria, A., Mazzoni, G., Kirsch, I. (2008). "Don't know" responding to answerable and unanswerable questions during misleading and hypnotic interviews. <i>Journal of Experimental Psychology: Applied</i>, 14(3), 255-265.</p>

Scoboria, G. Mazzone, J. Jarres (2008). Suggesting childhood food illness results in reduced eating behavior. *Acta Psychologica*. 128(2), 304-309.

Mazzone, G., Rotriquenz, E. (2012). *La testimonianza nei casi di abuso sessuale su minori*. Milano: Giuffrè'.

4. Details of the impact (indicative maximum 750 words)

The work carried out at the University of Hull has been important for the discovery of aspects of false memories that are crucial for court cases. This knowledge has been disseminated via three books in Italian, the most important being Mazzone & Rotriquenz, 2012, a number of articles in Italian written by Prof Mazzone, and a large number of invited lectures for Italian legal professionals, including the police, barristers and judges (most importantly Supreme Justices of the Court). These professionals have become increasingly aware of the potential dangers for the witness' memory of poor interviewing techniques, and the risk inherent in some of the current legal procedures. The work by Prof. Mazzone has also started a debate on the adequacy of some existing legal practices in court cases. These practices (such as the Incidente probatorio, i.e. the interview that is used as valid evidence in court), are now more closely scrutinized. The impact of this work is evident in the justification of verdicts of court cases for which Prof. Mazzone was invited to be a consultant. Many of these are court cases on sexual abuse in children, the major one being the so-called Rignano Flaminio case, that has been the object of intense interest by the national media, and has triggered a major debate (see letter by Avv Roberto Borgogno). The impact of the work conducted at the university of Hull is also evident in the justifications of verdicts of the Supreme Court (see letter by Supreme Judge Claudia Squassoni, President of the Third Section of the Supreme Court).

Prof. Mazzone's research results have also been a main drive in modifying the interviewing practice of vulnerable witnesses (children). These changes are evident in the new version of the Carta di Noto, in the Protocollo di Venezia and in the first Italian Interviewing Guidelines. These are all national documents which are described more fully below, for which Prof. Mazzone has been invited to be the main or one of the main consultants. Increased awareness due to the results of the research carried out at the University of Hull has set new standards for what is typically required by the court for considering a testimony reliable. The malleability of memory and the related risks due to inadequate interviewing techniques is a topic now mentioned in every court case involving minors and the work carried out by Prof. Mazzone has represented a major drive in it. Although in Italy the law forbids mentioning individual names and papers in verdicts and in the subsequent extended justification (see letter by Supreme Justice Dr. Claudia Squassoni), Prof. Mazzone's work on false memories and eyewitness memory has been referred to in most verdicts of First Degree and Appeal courts (for two example see the letter by Avv. Roberto Borgogno, the defence lawyer in the Rignano Flaminio case, and by Avv Prof. Guglielmo Gulotta, Defence lawyer in a major case, the Brescia case), as well as all verdicts of the Supreme Court of Cassation. This latter is confirmed in a statement by Dr. Claudia Squassone, President of the Third Section of the Italian Supreme Court. The impact of the work by Prof, Mazzone is also clarified by Avv. Renato Borzone, then secretary of the Italian Barristers' Guild. Prof. Mazzone has been personally invited to consult for 26 court cases in Italy and one in the UK. Following the indications of the work by Prof. Mazzone, the request by defence lawyers for the court to choose expert witnesses of high academic/scientific credentials, or else to justify the choice of individuals of a lesser prestige, has been presented in 5 of the cases in which Prof. Mazzone has been involved as a consultant, and most likely in at least all the cases in which the same judges and defence lawyers have been involved afterwards.

More recently (2011-2012) prof Mazzone has been asked to train the head of the child neuropsychiatry unit of the Istituto Don Gnocchi (Milano), and her team of neuropsychiatrists, psychologists and social workers, in order to create a new centre for child sexual abuse cases. Because of this training, three of them have subsequently been invited in 2012 to become

instructors for a specialized courses for judges held by the National School for Magistrates (Scuola Superiore di Magistratura), and the class has been based on the research and the work developed at the University of Hull. In May 2013 Prof. Mazzoni has been invited to give a main lecture to judges by the Scuola Superiore di Magistratura on memory in eyewitness testimony following the publication of her book on eyewitness testimony (2012).

As already mentioned, the work developed in Hull has shaped in part the content of the current version of the Carta di Noto, and of two other recent documents, the Protocollo di Venezia and the Linee Guida Nazionali (Italian Interviewing Guidelines). Prof. Mazzoni has been invited to take part in the drafting and overseeing of these documents, which currently are the three major documents that regulate child interviewing in forensic cases in Italy. The Carta di Noto, initially drafted in 2002, is the main document in Italy in which the principles of conduct are delineated for criminal court cases involving children. The current version, drafted and published in 2011, is inspired by the work developed at the University of Hull. Prof. Mazzoni was invited to be a member of the committee that drafted the revision of this document, which has become the fundamental point of reference for criminal court cases involving minors and vulnerable individuals, and an essential part of the legal practice in Italy. The testimonials by Supreme Justice Claudia Squassone and by the President of the Italian Society for Psychology and Law Avv. De Cataldo report on the importance of the work developed at the University of Hull for the draft of the revision of this document, and its contribution to the final document. The pivotal role of Prof. Mazzoni in drafting the final version of the document is also mentioned.

The Protocollo di Venezia, drafted in 2007, delineates the issues involved in criminal cases of collective abuse on children, and provides interviewing guidelines. Research undertaken at the University of Hull was one of the primary scientific underpinnings of this document, which is now used in most court cases involving collective abuse. The document was drafted by a committee, and Prof. Mazzoni was invited to present her work as the keynote speaker of the meeting, and requested to lead the subcommittee that drafted the specific interviewing guidelines included in the document. The program of the meeting is evidence for this.

The third document, the Italian Interviewing Guidelines (Consensus among Italian Scientific Societies), was drafted in 2009 and the final version published in 2010. As the leading author of the research developed at the University of Hull, Prof. Mazzoni has been invited to be one of the four experts for the Italian Interviewing Guidelines, as evidenced in the document itself and in the testimonial drafted by Avv. Luisella De Cataldo, president of the Italian Psychology and Law Society.

The research has a beneficial impact on several groups of individuals in the Italian society, including most Italian legal professionals (e.g. police and special forces (e.g. Carabinieri), lawyers, expert witnesses, judges) involved in criminal cases. The document drafted by the National Barristers' Guild, as well as the new guidelines for witness interviewing represent clear evidence of that.

The work has also had major impact on social workers, teachers, parents. Several articles appeared in popular magazines and newspapers, as well as pop-science magazines and one major pop-science TV program. The research carried out at the University of Hull was also presented in 2009 by Prof. Mazzoni in an invited keynote address to more than 2000 elementary school teachers.

Other beneficiaries are individuals who have been falsely accused of abusing children (Prof. Mazzoni's work has been consistently mentioned by interested groups, such as the centre Falsi Abusi, that gathers those who have been unjustly accused and convicted).

The guidelines that have been inspired by the work at the University of Hull also protect the victims. The victims in these cases are children who, if incorrect interviewing techniques are used, can be induced to create traumatic personal histories that are not true. Children in false abuse cases that involve parents are typically taken away from the family. Children in false abuse cases that involve teachers are moved away from important adult figures. In all these cases children can show psychological problems that can range from mild forms of psychological distress to severe forms of psychosis, depending on the extent to which their reality has been progressively distorted during the court case. Children who go through correct interviewing become additional beneficiaries of the impact of this work.

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1) Testimonials

1 Justice of the Italian Supreme Court of Cassation

1 ex Secretary of the Italian Barristers Guild

1 President of the Italian Psychology and Law Society

1 criminal lawyer and Director of the Gulotta Foundation in Forensic Science

1 defence lawyer

2) Documents

Document of the Italian Barristers' Guild delineating a new policy for examining child witnesses

Carta di Noto

Protocollo di Venezia

Italian Interviewing Guidelines (Consensus)

Invitations to Prof. Mazzoni (only a limited number are now available)

3) Newspaper, magazines, websites (a partial list).