

## Mirandized Statements: Successfully Navigating the Legal and Psychological Issues

Richard Rogers, PhD, and Eric Drogan, JD, PhD. Chicago, IL: ABA Publishing, 2014. 299 pp. Price \$89.95 (paper).

This book by eminent and experienced forensic psychologists is written for criminal attorneys and judges, but its content is important to forensic psychiatrists and psychologists and legal and forensic mental health trainees. It translates critical forensic psychological concepts and the legal ones that incorporate them into the worlds of law enforcement interrogation and fair and accurate adjudication. The style favors legal and judicial readers, but the principles are well worth reading by forensic clinicians.

Three questions form the practical theme of the book. What does the criminal lawyer need to know about *Miranda* to be effective? How can he or she best use forensic psychologists and psychiatrists? And what is the best way to present *Miranda*-related arguments and supporting evidence, either to challenge or to preserve (depending on the lawyer's role) a Mirandized statement? The authors do an excellent job of balancing defense and prosecution objectives while retaining unbiased views of the various questions and arguments.

While certainly scholarly, the book is also practical, with a very clear chapter structure and many appendices. The main text has clarifying tables and examples, and the extraordinary appendices offer useful case material, report examples, interrogation transcripts, and specialty information (such as measures for, and *Miranda* impact of, the defendant's reasoning, psychiatric symptoms, and intellectual impairment).

Chapter topics include an overview of the legal landscape (including common myths and misconceptions), components of *Miranda* warnings and waivers, waiver cases, and procedural issues, the psychology of *Miranda* comprehension and reasoning, integrating complex *Miranda* findings and data, and trials. The 20 excellent appendices range from practical how-to information, to the impact of mental and developmental symptoms, to detailed

case reports and explanations. The book is very well referenced.

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## The Witch-Hunt Narrative: Politics, Psychology, and the Sexual Abuse of Children

By Ross E. Cheit. New York: Oxford University Press, 2014. 544 pp. \$49.95.

Amid public clamor for prevention, detection, punishment, and management of sex offenders are roadblocks to prosecution of sex crimes against children. For example, we have commented on children's delayed and retracted disclosures as explained by the Child Sexual Abuse Accommodation Syndrome (CSAAS).<sup>1</sup> CSAAS describes perpetrator-protecting behaviors in sexually abused children. Their efforts to cope, particularly when alleged offenders are known to or are members of their family, may be misinterpreted, and their original complaints discredited. In cases of mass-victimization claims, discrediting victims' statements can make perpetrators look like witch-hunt victims. Where is the truth?

In *The Witch-Hunt Narrative*, Ross Cheit reanalyzes original investigations, court transcripts, and medical reports in publicized mass-abuse cases, confirming credible evidence of sexual abuse and sufficient grounds for prosecution. His conclusion, convincingly researched and stated, is that the investigations were not witch hunts. He begins with the McMartin Preschool case (1983–1990) and contends that medical evidence of penetrative injuries was obscured by the witch-hunt narrative. Also concealed were complaints by parents and neighbors that defendant Ray Buckley had a pattern of exposing himself and offering pornography to children. Cheit challenges the argument by journalist Debbie Nathan and others that preschool cases across the United States represented mass hysteria and witch-hunting. He cites David Finkelhor and colleagues' finding that in an estimated 500 to 550 cases of alleged daycare sexual abuse between 1983 and 1985, the height of the

alleged sex abuse “hysteria,” only 21 percent of the allegations were substantiated.<sup>2</sup>

Cheit notes that the historical denial of child sexual abuse exploiting secrecy, silence, and disbelief are collective mechanisms driving the witch-hunt narrative. He concedes that denial is common, but he is as unsparing as he is thorough in his analysis. His research is comprehensive and the arguments of systematic cover-ups and distortion of the facts in these cases are compelling. The witch-hunt argument was prominent in Nathan and Snedeker’s 1995 *Satan’s Silence: Ritual Abuse and the Making of an American Witch Hunt*,<sup>3</sup> a journalistic, not a scholarly, work. The narrative derived its legitimacy from the prominent academic psychologists Maggie Bruck and Richard Ceci. After close examination of interview and trial transcript data, some of it video- and audio-taped, Cheit concludes that Ceci and Bruck systematically obscured compelling evidence of child sexual abuse in several high-profile daycare cases to promote the argument that the children were highly suggestible and not credible witnesses. Ceci and Bruck also dismissed studies conducted by other academics, including Gail Goodman, whose research opened the courts to children’s testimony. The witch-hunt narrative functioned to reverse this trend, and Cheit attempts to rebalance the analysis.

The Kelly Michaels (Wee Care) case is another example of evidence ignored and a campaign to discredit child witnesses. The facts that the first child witness spontaneously disclosed anal penetration at school by Michaels and that Michaels’ directions to keep the touching secret were overlooked during the promulgation of the witch-hunt narrative. After Michaels’ conviction, Ceci and Bruck penned an *amicus* brief ostensibly on behalf of the Committee of Concerned Scientists. The brief, offered as an independent opinion regarding prosecutions in the Wee Care case, was coauthored by Michaels’ defense attorney, Cheit tells us. This revelation belies Ceci and Bruck’s claim of an independent, unbiased scientific voice. Ceci and Bruck, Cheit says, also misled the courts by misrepresenting their argument as consensus within the scientific community. Instead, the witch-hunt narrative emphasized children’s suggestibility and the discrediting of their reports of abuse. The potential harm to children’s safety and well-being is incalculable. Young children become sitting ducks without legal and civil protections from predation. The justice implications and public health impact are dire.

Cheit’s thoroughly researched volume is an important resource for practitioners providing expert witness testimony in child sexual abuse cases. Its length may seem daunting, but the reader may select cases to focus on and review integrative summaries that relate the cases to social and historical contexts. As a bonus, L. Arthi Krishnaswami has fashioned beautiful graphics to help the reader track developments in the cases. We would have hoped for an acknowledgment of lessons learned, including the development of well-researched investigative interviewing protocols. Cheit’s research suggests the need to broaden the definition of scientific misconduct to include use of data to mislead nonscientists, resulting in public harm. Scientific misconduct is generally understood to mean deliberate falsification, manipulation, and suppression of data to obtain funding, publications, and other professional benefits. What Cheit exposes goes beyond differences of opinion as to interpretation of research findings, forcing us to confront our assumptions and face-value acceptance of published literature.

#### References

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3. Nathan D, Snedeker M: *Satan’s Silence: Ritual Abuse and the Making of an American Witch Hunt*. New York: Basic Books, 1995

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## Crime Classification Manual: A Standard System for Investigating and Classifying Violent Crimes

By John E. Douglas, Ann W. Burgess, Alan G. Burgess, and Robert K. Ressler. Third Edition. Hoboken, NJ: John Wiley & Sons, Inc. 2013. 566 pp. \$65.00 (paperback).

Not long after I began to work as a forensic psychiatrist, a colleague handed me a copy of the *Crime Classification Manual* (the Manual), then in its first