Book Review

Pamela Radcliffe, Gisli Gudjonsson, Anthony Heaton-Armstrong and David Wolchover (eds)


Witness Testimony in Sexual Cases is the third volume in the Witness Testimony series published by Oxford University Press. This series has the ambition to “change the mindset of key decision makers” involved in witness evidence. Thus, this particular volume “is aimed primarily at criminal justice professionals working in the field of sexual crime” and law and psychology students.

The interdisciplinary background of the editors emphasizes the endeavour to guide criminal justice professionals through all stages in the proceedings of sexual crimes. Radcliffe is an experienced barrister and currently a visiting research fellow with the International Centre for Research in Forensic Psychology, University of Portsmouth. She has a long-standing interest in the interplay between psychology and the law. Gudjonsson is a distinguished scholar and practitioner in the field of witness testimony whose publications are known to a broad scientific public. Heaton-Armstrong has worked as both defence and prosecution advocate in sexual cases and has authored and edited relevant literature. Wolchover is also a highly experienced barrister. He has published numerous books and papers on criminal evidence, the recording of witness statements, and criminal procedure.

This volume is a comprehensive collection of contributions drawn from the fields of law, forensic and clinical psychology, and medicine covering “evidential perspectives” in Part I of the book and “investigative and scientific perspectives” in Part II.

Part I, “evidential perspectives”, consists of twelve contributions by different authors. Here, the focus lies on procedural aspects such as the legal background of investigating and prosecuting sexual cases, but also technical aspects and case studies. Departing from an overview of key topics of witness testimony in sexual cases (above all recovered and false memories, vulnerable witnesses,
attrition and false allegations), two of the editors set the stage for the context and current issues in the field.

The following contribution by Birch and Price describes the process of the decision to prosecute a sexual case and critically elucidates the role of popular credibility issues in the merits-based approach of the decision making process. The authors also discuss challenges of decisions including the particular cases where the offences have allegedly been committed many years ago.

Chapter 3 by Heaton-Armstrong and colleagues deals with issues of disclosure including the disclosure of relevant materials such as files, records, or recordings and the importance and critical impact it can have for both the complainant and defendant.

The following chapter gives attention to delayed prosecutions in sexual cases and the application of “the abuse of process doctrine” that might lead to a stay or closing of proceedings in historic sexual cases – even though the author of this contribution, Choo, stresses the comprehensible dynamics of why some victims of sexual abuse come forward with a complaint only years after an alleged offence and that stays are only very rarely to be granted.

Chapter 5 looks into the practice of bringing a complainant’s sexual history to criminal trials – or even to cross-examine the complainant on his or her previous sexual history. McEvoy, Wolchover and Heaton-Armstrong outline the relevant statutory developments and analyse the notion of relevance, difficulties, and hurdles associated with the legal restrictions that preclude adducing evidence of a complainant’s sexual history or its exemptions.

Inversely, Chapter 6 written by Ormerod, Picton and Andrew Roberts analyses the admissibility of bad character evidence (BCE) against a defendant in sexual cases with all its difficulties, legal considerations and implications for the decision-making process.

Paul Roberts and Ward in Chapter 7 critically investigate the admissibility and practice of expert evidence in sexual cases including DNA and other forensic measures.

In the following chapter, Radcliffe carefully examines the practice of aggressive and inappropriate questioning techniques of victims of sexual offences and the psychological, ethical, but also procedurally detrimental effects they can entail. She then sets out a number of recent reforms and offers guidance to enhance ethical and effective advocacy.

Chapter 9, authored by Finucane, Horlick and Leonard, deals with sexual allegations against medical professionals. The authors present the special knowledge required and regulatory framework for investigating, prosecuting and defending professionals and exemplify founded and unfounded complaints.