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**Psychologists and Psychiatrists in Court: What do they know about Eyewitness
Memory? A Comparison of Experts in Inquisitorial and Adversarial Legal Systems**

Olivier Dodier¹, Annika Melinder², Henry Otgaar^{3,4}, Mélanie Payoux⁵, & Svein Magnussen²

¹LAPSCO, Université Clermont Auvergne, France

²Department of Psychology, University of Oslo, Norway

³Faculty of Psychology and Neuroscience, section Forensic Psychology, Maastricht
University, The Netherlands

⁴Faculty of Law, Catholic University of Leuven, Leuven, Belgium

⁵Laboratoire de Psychologie des Pays de la Loire, Université de Nantes, France

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Correspondence concerning this article should be addressed to Olivier Dodier, Université
Clermont Auvergne, CNRS, LAPSCO, 34 Avenue Carnot, F-63000, Clermont-Ferrand,
France, Tel. + 33 (0) 4 73 40 64 69, E-mail address: ododier@univ-tlse2.fr

Abstract

In criminal cases involving eyewitness reports, psychologists or psychiatrists may be recruited as expert witnesses to help triers of facts to evaluate eyewitness statements, on the assumption that psychologists and psychiatrists are real experts, familiar with scientific progress about how memory works. But are they knowledgeable concerning the science of memory? We assessed the knowledge about eyewitness memory of experts from France and Norway, countries having different legal systems, that is: inquisitorial and adversarial, respectively. We reanalysed the results of a Norwegian psychologists and psychiatrists survey and compared the results with survey data of a sample of French psychologists and psychiatrists serving as judicial experts. The French sample performed inferior relative to the Norwegian sample. More precisely, discrepancies in correct answers were found on seven critical items related to both experimental and clinical psychology. Such weaknesses in the knowledge about memory are briefly discussed with regards to psychological education and to legal systems.

Keywords: expert witness; memory; eyewitness memory; inquisitorial system; adversarial system

The reliability of eyewitness memory is a recurring issue in criminal trials. Studies from the US suggest that memory errors made by eyewitnesses are involved in more than 70% of both erroneous convictions (see Innocence Project, 2015) and “near misses” in felony cases (Gould, Carrano, Leo, & Hail-Jares, 2014). Knowledge about eyewitness memory is therefore important for legal triers of fact. However, a number of studies have shown that legal practitioners—judges, police officers, jurors, prosecutors, and defence lawyers—have limited knowledge about eyewitness testimony (e.g., Benton, Ross, Bradshaw, Thomas, & Bradshaw, 2006; Dodier, Tomas, Payoux, & Elissalde, 2019; Ferris, Bond-Faser, & Fraser, 2017; Kask, 2011; Magnussen et al., 2008; Wise & Safer, 2004; Wise, Safer, & Maro, 2011; but see also Read & Desmarais, 2009), about general psycho-legal conceptions (Chaplin & Shaw, 2015), about eyewitness interview and identification procedures (Wise, Safer, & Maro, 2011), and also have controversial beliefs about the existence of repressed memories (Magnussen & Melinder, 2012; Patihis, Ho, Tingen, Lilienfeld, & Loftus, 2014). In addition, their beliefs about children as witnesses seem to depend on their professional role (Melinder, Goodman, Eilertsen, & Magnussen, 2004). Finally, it appears that law practitioners’ knowledge about eyewitness memory is not that much better than the knowledge of potential jurors (Magnussen et al., 2006; Magnussen, Melinder, Raja, & Stridbeck, 2010).

Since the actors in the legal system(s) do not have the knowledge required to evaluate the reliability of human memory and the factors that may distort eyewitnesses’ memory performance, expert witnesses are sometimes recruited. In several countries such as in France and Norway, experts may be appointed on only the basis of their status (i.e., psychologist or psychiatrist). Yet, in a recent literature review, Otgaar and colleagues (in press) have shown how substantial amounts of US and European (legal) practitioners can sometimes endorse erroneous beliefs about the functioning of memory (i.e., repressed and recovered memories) which might contribute to adverse consequences in the legal domain. In South Africa, it has

been found that 31% ($n = 32$) of 102 psychologists considered that the statement according to which memory works like a video recorder was probably or definitely true, and that 75.7% ($n = 78$) of 100 psychologists believed that it was common that individuals repress traumatic memories (Kagee & Breet, 2015). More generally, in Norway, Melinder and Magnussen (2015; see also Magnussen & Melinder, 2012) highlighted the limited knowledge of non-expert witness psychologists; a result that was also observed among psychologists and psychiatrists who were not acting as court experts in France (Dodier & Payoux, 2017). In these previous works, it was not sure whether the tested sample also worked as expert witnesses. Then, one critical question arises: do psychologists and psychiatrists who serve as expert witnesses in court have sufficient knowledge required in memory-based cases?

Using a 12-items questionnaire (see Table 1), researchers showed that psychiatry and psychology practitioners serving as expert witnesses ($N = 117$) in Norwegian court (i.e., adversarial justice system) did not have more knowledge about memory than non-expert practitioners ($N = 819$; Melinder & Magnussen, 2015). Furthermore, erroneous beliefs about memory appeared to be shared among them. For instance, one third of the experts claimed that children have similar retrieval and episodic recall abilities than adults, while children generally perform worse than adults in free recalls (e.g., Jack, Leov, & Zajac, 2014); two thirds considered that memories of early childhood that were recovered in psychotherapy are mostly real, whereas research has shown that one can be doubtful about the reliability of such memories (see Otgaar et al., in press; Patihis & Pendergrast, 2019); one third believed that people who have committed murder and claim to have no memory for the crime tell the truth (again, for contradictory evidence, see Otgaar et al., in press). In this research, most of the participants were clinicians and a prior training in applying empirical knowledge in forensic psychology into the field was not required to work as an expert witness.

Considering that different countries—even in Europe—have different legal systems, are the results of the Norwegian study sample representative for expert witnesses in general? Adversarial systems such as in Norway (see below) put the emphasis on the oral examination of each piece of evidence brought to court, including expert evidence (Myklebust, 2012). In inquisitorial systems, expert evidence is collected during the investigation and is generally not subjected to an oral examination. Depending on the legal system, the content of an expert report—and thus its scientific quality—would not be evaluated the same way by triers of fact. Therefore, would scientific psychology knowledge of psychologists and psychiatrists serving as expert witnesses be related to the type legal system into which they work? In the current study, we intended to replicate the Melinder and Magnussen's study (2015) with comparable samples of French court experts, using a translated version of the questionnaire.

Table 1 here

The French legal procedure is inquisitorial. The expert's role is to provide answers to technical questions asked by investigating judges in order to help them search for the truth and to assist them in their decision to bring a case to court or not. In criminal trials, they are systematically called as witnesses and are invited to summarize their conclusions before the judge, the prosecutor, the civil parties (e.g., victims or victims' family) and the defense are called upon to ask questions. Since the prosecutor or the defense does not appoint the expert in France, they are not subjected to examination and cross-examination, must remain neutral and cannot express opinion about the truthfulness of the facts. However, they may be asked to advise investigating judges on possible factors that might have influenced a complainant's statement. In sexual abuse cases, they are also often asked to examine the circumstances of the disclosure and to explain the way it might have distorted or strengthened the reliability of the statements. Hence, firm knowledge about memory processes is necessary to complete these tasks. Finally, in the French inquisitorial system, having a Ph.D. in forensic/legal

psychology or psychiatry is not required for expert witnesses and the completion of relevant courses in these areas is not mandatory for serving as an expert in a legal context.

The Norwegian justice system is adversarial. The expert witnesses are not involved in the investigative process but are expected to educate the court on certain psychological issues. They thus give their evidence at the time of the trial. They are generally appointed by the court, but if a judge does not find it relevant to call an expert, the defence or the prosecutor may also ask for experts to be appointed—as experts for the defense or the prosecutor. Note that this practice is not uncommon, and that expert witnesses are then subjected to examination and cross-examination (Stridbeck & Granhag, 2010). In this case, the judge determines what the expert witness is allowed to testify about. As in France, having a Ph.D. in forensic/legal psychology or psychiatry is not required to testify in court, despite many of the expert witnesses attend specific training courses in these areas (see Stridbeck & Granhag, 2010, for a detailed description of the expert witnesses' work in Norway).

The objective of the current research was to compare the knowledge about memory of French (inquisitorial) system versus Norwegian (adversarial) system expert witnesses by using the 12-items questionnaire initially used in Magnussen and Melinder (2012) and in Magnussen and Melinder (2015). In doing so, we reanalysed the results of the psychologists and psychiatrists survey (Melinder & Magnussen, 2015) to which we added the results of a sample of 120 French psychologists and psychiatrists who regularly serve as expert witnesses in court. For each of the 12 items, forced choice questions were asked, and the expected correct answer was the response modality the most likely to be accurate according to the current science of memory.

Method

Participants

For the French court expert sample, the questionnaire was distributed by e-mail and the email addresses were retrieved from the online official expert's list dressed by the court of cassation. No follow-up invitation was sent to potential participants¹. One hundred and twenty psychologists and psychiatrists completed the questionnaire (response rate $\approx 13\%$). All psychologists were clinical psychologists. Among them, 52.5% ($n = 62$) were female participants (two participants did not mention their gender). Since an overwhelming majority of them were present on both adult and child psychology/psychiatry official lists, no question was asked about the usual population they examine in forensic settings, since they generally examine both children and adults. Ninety-three per cent ($n = 112$) of the French experts claimed to have already testified in court, while 7% ($n = 8$) were awaiting their first testimony in court. Five categories of age were represented ($<30 = 2.5\%$, $30-39 = 22.0\%$, $40-49 = 19.5\%$, $50-69 = 52.5\%$, $>70 = 3.4\%$; two participants did not mention their age). Geographically, experts from across France (i.e., French metropolis and overseas territories—that is, Guadeloupe, Martinique, French Guiana, New Caledonia, French Polynesia, and Réunion) took part in the present study.

For the Norwegian expert witness sample, the questionnaire was also distributed by e-mail to members of the Norwegian Psychological and Psychiatric Associations. In total 858 psychologists (response rate $\approx 17\%$) and 78 psychiatrists (response rate $\approx 8\%$) completed the questionnaire. Among them, 101 declared regularly serving as expert witness in court and only their responses were retained for analysis in the present study. Among the expert witnesses, 53% ($n = 53$) were female participants (one participant did not mention his or her gender). As reported in Melinder and Magnussen (2015), almost 39% reported regularly working with children, and 64% reported regularly working with adults. The same categories

¹This decision was made after receiving several e-mails containing complaints regarding the expert's perceptions of the aim of the study.

of age were represented (<30 = 5.9%, 30-39 = 15.8%, 40-49 = 27.7%, 50-69 = 49.5%, >70 = 1.0%).

Material

Questionnaire. The questionnaire included the 12 items presented in Table 1 and covered two main themes: Eyewitness testimonies and general memory processes. The items were based on Magnussen and Melinder (2012) and Melinder and Magnussen (2015) who used the recent scientific literature on memory to define the most likely correct answers. More precisely, the correct answers to the questions 1 to 7 were based on the different reviews completed by Magnussen and colleagues (2006), Magnussen and Melinder (2012), and Melinder and Magnussen (2015). The correct answers to questions 1 to 3 and 5 to 7 were based on Kassin, Tubb Hosch, and Memon (2001), and the correct answer to the question 4 was based on the meta-analysis conducted by Deffenbacher, Bornstein, Penrod, and McGorty (2004). The correct answers to questions 8, 9, 11 and 12 were based on the reviews made by Magnussen et al. (2006). Finally, the correct answer to question 10 was based, notably, on Davis and Loftus (2009), McNally (2003) and Lynn et al. (2014). It is worth to note that Magnussen and Melinder (2012) added the items 8 to 12 in order to assess the knowledge on memory issues particularly relevant in cases where clinical practitioners would be appointed to perform an expertise.

Results

Preliminary Analyses

The French and Norwegian expert samples did not statistically differ in regard to gender composition, $\chi^2 = 0.946, p = 1.000$, and age, $\chi^2 = 5.48, p = .242$. With regards to gender, no statistically significant difference was observed on the total knowledge score (female participants: $M = 5.74$; $SD = 2.14$; male participants; $M = 5.70$; $SD = 1.83$), $F(1, 217) = 0.022, p = .88, \eta^2_{\text{partial}} < .001$. Similarly, no statistically significant difference on the total

knowledge score was observed regarding the age of the participants (<30 : $M = 6.56$; $SD = 1.88$; $30-39$: $M = 5.78$; $SD = 2.30$; $40-49$: $M = 5.67$; $SD = 2.08$; $50-69$: $M = 5.63$; $SD = 1.89$; $70+$: $M = 6.00$; $SD = 1.23$), $F(4, 218) = 0.493$, $p = .74$, $\eta^2_p = .009$. Because the data from the Norwegian sample was retrieved from a sample previously used in a study (Melinder & Magnussen, 2015), we could not measure the relationship between the number of times the experts provided testimony in court, and their knowledge score. However, in their study, Melinder and Magnussen (2015) compared a sample of mental health practitioners who reported that they regularly served as expert witnesses in court with a sample of psychologists who had never served as expert witnesses, and observed no statistically significant difference on memory knowledge. In other words, there was no effect of experience on memory knowledge. This was not surprising because it is the result typically obtained in expertise-studies: no effect of years of experience was found for US and Norwegian judges (Magnussen et al., 2008) and no effect of years of experience was found for French law enforcements (Dodier et al., 2019). We were nonetheless able to measure the relationship between professional experience (i.e., number of times experts testified in court) of French experts and their total knowledge score. We found that there was no statistically significant relationship, Persons' $r(107) = .07$, $p = .488$. For all of these reasons, professional experience was not taken into account in subsequent analyses.

Statistical Analyses

Figure 1.a shows the distributions of memory scores in the two samples. The average score of correct answers according to the current science of memory was statistically different for French and Norwegian expert witnesses. Norwegian experts ($M = 6.62$; $SD = 0.19$; $CI\ 95\% = [6.26, 6.99]$) were superior to the French experts ($M = 4.93$; $SD = 0.17$; $CI\ 95\% = [4.60, 5.27]$), $F(1, 219) = 45.09$, $p < .001$, $\eta^2_p = .17$. Thus, despite their limited knowledge about memory, Norwegian practitioners serving as expert in court outperformed the French

experts. Since the items 1 to 7 were inspired by the experimental psychology literature and the items 8 to 12 were developed for their particular relevance for clinical forensic practice, we sought to locate the origins of such a difference. Therefore, in the following, we explored the aggregate experimental average and the aggregate clinical average in a 2×2 mixed model before we analysed the responses given to each item.

There was no significant interaction between the type of item and the nationality of the experts, $F(1, 219) = 0.380, p = .538, \eta^2_p = .002$. The Norwegian expert sample outperformed the French expert sample in both the experimental-related items, $F(1, 220) = 17.935, p < .001, \eta^2_p = .076$, and the clinical-related items, $F(1, 220) = 33.712, p < .001, \eta^2_p = .13$. Based on the ‘correct’ responses, as pictured in Figure 1.b and in Table 2, the Norwegian experts performed better than French experts on seven statements, that is: item 1, confidence-accuracy during trial, item 2, post-event information, item 5, attitudes and expectations, item 6, weapon focus, item 8, children’s recall, item 11, dramatic events, and item 12, repression of adults’ memories. Significant differences on the five other items were not found: item 3, minor details, item 4, impact of stress, item 7, forgetting curve, item 9, infantile amnesia, item 10, recovered memories. Reunited together, the results show the knowledge gap that French court-expert practitioners possess, compared to Norwegian ones, in both experimental and clinical psychology-related matters. All F -values, p -values and η^2_p -values are reported in Table 3.

Figure 1 here

Table 2 here

Table 3 here

Discussion

The results of the present study clearly show that although both French and Norwegian expert witnesses have limited knowledge about eyewitness memory and the factors that might

distort memory performance, Norwegian experts have better knowledge than their French counterparts. These results raise a matter of concern because psychologists and psychiatrists serving as expert witnesses in court are expected to base their evaluations and recommendations on well-established scientific knowledge rather than personal beliefs or psychological folklore. Erroneous beliefs in expert reports may have dramatic consequences on judicial outcomes, as judges and jurors tend to rely on experts' recommendations when memory issues are the main conundrum in a criminal case.

French court experts were outnumbered by Norwegian expert witnesses on several items in the present survey. This observation was unrelated to the type of items included in our survey (i.e., experimental, items 1–7, and clinical, items 8–12). First, this is important to underline that these results suggest that French court experts might be unable to alert the court on very well-known factors affecting the memory for criminal events. For example, they were outperformed by the Norwegian expert sample on the effect of postevent information, despite this being one of the most well-documented false memory phenomena in psychology (Loftus, 2005) and one of the strongest phenomena used to illustrate the fallibility of memory. However, it is quite likely that such a memory distortion might occur in forensic settings because questions by third parties (Brubacher, Powell, Skouteris, & Guadagno, 2015), by investigators (e.g., Korkman, Santtila, & Sandnabba, 2006), or even by psychologists (Melinder et al., 2010) may be a source of memory errors (e.g., suggestive questions and/or few free recall questions).

Similarly, the French court expert performed less well than their Norwegian colleagues regarding the weapon effect. Yet, there is a strong scientific consensus regarding this issue, which has also been found in real criminal situations (e.g., Fawcett, Russell, Peace, & Christie, 2011; Valentine, Pickering, & Darling, 2003; Wagstaff, MacVeigh, Scott, Brunas-Wagstaff, & Cole, 2003). Second, because French court experts are clinician practitioners, it

is rather unexpected that they underperformed the Norwegian expert witnesses to this point. It is for example troublesome that a substantial amount of French experts expressed an erroneous belief regarding children's recall (i.e., children are better or as good as adult at retrieving and recalling an episodic event). While children are able to recall particularly reliable information (Otgaar, Howe, Brackmann, & Smeets, 2016; Otgaar, Howe, Merckelbach, & Muris, 2018), they generally perform worse than adults in free recall tasks (e.g., Chapman & Perry, 1995; Eisen, Goodman, Qin, Davis, & Crayton, 2007; Jack, Leov, & Zajac, 2014).

They were also less able to identify the correct answer to the items related to traumatic memories (items 11 & 12). Research has shown that such events are generally well remembered, even many years later (Goodman et al., 2003), and that there is a positive correlation between the seriousness of the offense and the memory of such experiences (Alexander et al., 2005). They also seemed more uncertain about the likelihood that one can repress the memory for this type of event (item 12). One may assume that, depending on the criminal case, French court experts might misinform judges and jurors by that a suspect who does not remember his or her alleged crime might actually have repressed it. However, this idea of memory repression is not supported by empirical findings (e.g., Loftus, Joslyn, & Polage, 1998; McNally, 2003; Merckelbach & Patihis, 2018; Otgaar et al., in press) and should not be found within the conclusions of a mental health expertise.

A higher tendency of the French experts to choose the 'uncertain' response modality was found on every clinical-related items. Whilst this could be interpreted as a cautious approach adopted by French experts, it should be noted that the French version of the questionnaire included at its end a space open to free comments. Although we did not conduct analyses on those comments, a majority of the French participants (i.e., $\approx 60\%$) who provided a comment ($n = 50$) claimed that they often answered 'uncertain' because 'it all depends',

‘each case is unique’ or ‘individuals have their own characteristics and such statements cannot be generalised’, etc. However, the statements in the survey are not related to such contextual and subjective situations. Memory science theories should be familiar to psychologists and psychiatrists serving as expert in court and articulated with the specificities of the facts and of the individuals involved in a case. While Melinder and Magnussen (2015) concluded that the low proportion of ‘uncertain’ responses in their study might reflect that expert witnesses would be (un)willing to advise the court, the high proportion of this response category in the French expert-sample associated with the rationales advanced by the participants might suggest that the members of the sample would be willing to express erroneous ideas in their expertise reports, depending on the case.

Although there is no obvious explanation for the differences we have found, we cannot exclude the hypothesis that the strong influence of psychoanalytic principles and psychodynamic methods in French clinical education and practice (Amouroux, 2017; Combalbert, Andronikof, Armand, Robin, & Bazex, 2014; Guivarch et al., 2017) in contrast to the broader and more evidence-based Norwegian clinical education², may have played a role in the differences we have found. Psychoanalysis is still widely taught in French university is still widely used by mental health practitioners, and is still very popular and highly publicized. Noteworthy, the majority of French peer-review outlets only or partially harbours psychoanalytic views. However, psychoanalytical memory phenomena such as repression, for instance, do not belong to the scientifically proven memory phenomena (e.g., Loftus, Joslyn, & Polage, 1998; McNally, 2003; Otgaar et al., in press), and are generally regarded by the scientific community as erroneous beliefs.

²In Norway psychiatrist are medical doctors with an additional two-to-three-year specialization in psychiatry; psychologists have a minimum of six years study of psychology, and (most of them) with a two-to-three-year specialization in clinical psychology, neuropsychology or child psychology.

The way expert evidence is used in these two legal systems may also have contributed in the gap of knowledge. Expert reports in inquisitorial systems are not subjected to examination or cross-examination, and the likelihood that the court rejects their testimony is very limited, if not inexistent. One may then assume that the risk that their expertise in psychology or psychiatry is challenged is limited. On the other hand, expert serving in adversarial courts are subjected to examination and cross-examination, sometimes resulting in the expert being barred from testifying in court.

Another difference between the two systems is that the French inquisitorial procedure does not include any quality control of the expert evidence, while the Norwegian adversarial procedure does, for example, in child protection cases (The Courts of Norway, 2016). The prospect of challenging the expertise of a mental health practitioner serving in court may result in a more rigorous use of the most recent knowledge in various domains, including memory for criminal events. This tendency might be even stronger in countries that adopt legal standards such as the criteria developed in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, in the US. Follow-up investigations including a sample of US expert witnesses would be very informative on this point. We encourage such further research.

It may also be assumed that hostile cross-examination methods (e.g., attacks on psychologists' or psychiatrists' credibility as experts or on their professional integrity) in adversarial systems could result in the necessity to become as unimpeachable as possible when it comes to the empirical knowledge included in an expert report. Finally, battles between party-appointed expert witnesses may enhance the quality of the scientific content of their testimonies (Stridbeck & Granhag, 2010). In sum, it is perhaps because French courts are more liberal than Norwegian courts in their way to appoint experts and to consider expert testimonies that French experts may have felt more confident to express erroneous beliefs

about eyewitness memory in our survey, and by extension, may feel confident to express erroneous beliefs in court (see Dodier, 2018).

The differences we found between the samples of French and Norwegian expert witnesses may therefore be attributed to the combination of (i) a difference in clinical education—psychoanalysis *versus* evidence-based clinical methods—, and (ii) a lower likelihood of being challenged as an expert in inquisitorial system than in adversarial system. Since the present study was rather exploratory, the way we discussed the results should be considered as an attempt to explain them in terms of legal systems. Further studies using quasi-experimental settings and including multiple samples within each group in order to ensure construct validity might therefore clarify the relationship the psychologists and psychiatrists serving as expert in court have with the scientific knowledge about eyewitness memory and the way such expertise is reflected in their report.

To our knowledge, this research is the first to directly compare the knowledge on memory that expert witnesses in two countries with two different judicial systems have. Nonetheless, the current study has several limitations. The first is that the questionnaire used in the present study was translated first from Norwegian into English and then into French. Thus, slight changes of meaning might have affected the response distributions. Moreover, we obviously cannot get rid of the assumption that the low response rates may have somewhat influenced the outcomes of the study. However, the main trends of the comparisons are probably quite reliable because the high number of respondents in both samples may have offset this concern.

The second is that in France as in Norway, experts may be appointed solely on the basis of their status (i.e., psychologist or psychiatrist; note that in France, this is systematically the case), and not necessarily on their real expertise in a field (e.g., memory). Such a practice is oftentimes not used in other countries such as in the US or Canada. In these countries, experts

are only appointed if they have the required qualifications in terms of knowledge and practice in the field at stake in a case. Thus, our results may not be generalizable to different countries who also have an adversarial or inquisitorial legal system.

Despite the fact that the comparisons are restricted to experts in two European countries, the French inquisitorial system and the Norwegian adversarial system are different regarding expert works. Psychologists and psychiatrists serving as expert in court intervene in the judicial proceedings at different times, and, in Norway, expert testimonies may be rejected by the court before they have the opportunity to be expressed during a trial—which is not the case in France. Thus, in view of the very similar results of the surveys of the legal professions across US and the European countries, and the previous surveys of US and European mental health professionals on critical aspects of eyewitness memory, cited in the introduction, we believe that the present results may be quite representative for the memory knowledge of psychologists and psychiatrists in the Western sphere.

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Table 1. Memory topics and statements (retrieved from Melinder & Magnussen, 2012)

Topics	Statements
1. Confidence-accuracy	<p>At trial, an eyewitness's confidence is a good predictor of his or her accuracy in identifying the defendant as the perpetrator of the crime.</p> <p>Response alternatives: Agree–disagree*–uncertain</p>
2. Effect of postevent information	<p>Eyewitness testimony about an event often reflects not only what a witness actually saw but also information obtained later on from other witnesses, the police, the media, etc.</p> <p>Response alternatives: Agree*–disagree–uncertain</p>
3. Minor details	<p>A witness's ability to recall minor details about a crime is a good indicator of the accuracy of the witness's identification of the perpetrator of the crime.</p> <p>Response alternatives: Agree–disagree*–uncertain</p>
4. Impact of stress	<p>Very high stress at the time of observation has a negative effect on the accuracy of testimony.</p> <p>Response alternatives: Agree*–disagree–uncertain</p>
5. Attitudes and expectations	<p>An eyewitness's perception and memory for an event may be affected by his or her attitudes and expectations.</p> <p>Response alternatives: Agree*–disagree–uncertain</p>
6. Weapon focus	<p>The presence of a weapon can impair an eyewitness's ability to accurately identify the perpetrator's face.</p> <p>Response alternatives: Generally true*–generally false–uncertain</p>
7. Forgetting curve	<p>The rate of memory loss for an event is greatest right after the event and then levels off over time.</p> <p>Response alternatives: Generally true*–generally false–uncertain</p>
8. Children's recall	<p>When small children tell about events they have experienced, do you think they remember better, as well as, or worse than adults?</p> <p>Response alternatives: Better–as good as–worse*–uncertain</p>
9. Infantile amnesia	<p>Many people talk about memory from early childhood year. How far back in time do you believe people can remember?</p> <p>Response alternatives: From birth on–one year–two years–three years*–four years–five years–six years or older.</p>

10. Recovered memories	<p>Sometimes adults in psychotherapy remember traumatic events from early childhood, about which they previously had absolutely no recollection. Do you think such memories are real or false?</p> <p>Response alternatives: All are real–most are real–most are false*–all are false–uncertain</p>
11. Dramatic events	<p>Sometimes people become witnesses to dramatic events. Do you think the memory for such events are worse, as good as, or better compared to the memory for everyday events?</p> <p>Response alternatives: Better*–as good as–worse–uncertain</p>
12. Repression of adult traumatic memories	<p>Sometimes people who have committed murder claim to have no memory for the crime. Do you think such memories can be repressed and that the perpetrator believes they are telling the truth or do you think they are lying?</p> <p>Response alternatives: They tell the truth–they are lying*–uncertain</p>

Note. Asterisks indicate the response modalities considered as correct according to current memory science.

Table 2. Distribution of the responses of Norwegian experts ($n = 101$) and French experts ($n = 120$) on the 12 target questions

Topics					
	Agree		Disagree ^a		Uncertain
1. Confidence-Accuracy	12.9 (6.7)		55.4 (30.8)		31.7 (62.5)
	Agree ^a		Disagree		Uncertain
2. Postevent information	94.1 (68.3)		5.0 (10.8)		1.0 (20.8)
	Agree		Disagree ^a		Uncertain
3. Minor details	43.6 (35.8)		30.7 (27.5)		30.7 (36.7)
	Agree ^a		Disagree		Uncertain
4. Impact of stress	59.4 (55.0)		20.8 (20.0)		19.8 (25.0)
	Agree ^a		Disagree		Uncertain
5. Attitudes and expectations	100.0 (91.7)		0.0 (00.0)		0.0 (8.3)
	Generally true ^a		Generally false		Uncertain
6. Weapon focus	53.5 (39.2)		9.9 (10.8)		36.6 (50.0)
	Generally true ^a		Generally false		Uncertain
7. Forgetting curve	32.7 (35.8)		37.6 (20.0)		29.7 (44.2)
	Better	As good as	Worse ^a		Uncertain
8. Children's recall	5.9 (10.8)	29.7 (35.8)	57.4 (27.5)		6.9 (25.8)
	Birth - 1 yr>	2 yr>	3 yr> ^a	4 yr>	5 yr>
9. Infantile amnesia	1.0 (7.5)	21.8 (15.8)	45.5 (29.2)	18.8 (29.2)	12.9 (18.3)
	All real	Most real	Most false ^a	All false	Uncertain
10. Recovered memories	0.0 (0.8)	62.4 (41.7)	21.8 (20.0)	0.0 (0.8)	15.8 (36.7)
	Better ^a	As good as	Worse		Uncertain
11. Dramatic events	74.3 (40.0)	16.8 (23.3)	7.9 (11.7)		1.0 (25.0)
	They tell the truth		They lie ^a		Uncertain
12. Adult repression	36.6 (20.0)		37.6 (11.7)		25.7 (68.3)

Note. Numbers refers to percentage of Norwegian and French experts' ratings. French expert ratings are in brackets.

^aIndicates correct response according to current memory science.

Table 3. *F*-values, *p*-values, and η^2_p -values for each topic comparison

Topics	<i>F</i> (1, 219)	<i>p</i>	η^2_p
1. Confidence-Accuracy	15.10	< .001	.07
2. Postevent information	24.20	< .001	.10
3. Minor details	0.38	.536	< .01
4. Impact of stress	0.51	.478	< .01
5. Attitudes and expectations	9.18	.003	.04
6. Weapon focus	4.90	.028	.02
7. Forgetting curve	0.29	.593	< .01
8. Children's recall	14.22	< .001	.06
9. Infantile amnesia	3.80	.053	.02
10. Recovered memories	0.10	.759	< .01
11. Dramatic events	22.89	< .001	.10
12. Adult repression	22.09	< .001	.09

Figure 1. Distribution of scores on the knowledge scale and of correct answers to each item in the Norwegian expert-witness and French expert-witness samples of psychologists and psychiatrists

1.a. Distribution of scores in the two samples of experts. The higher the score, the better is the knowledge

1.b. Distribution of correct answers to each item in the two samples of experts