

After killing, experts say use caution with children's statements

By John Christoffersen, Associated Press Writer | September 12, 2006

Jonathon Edington didn't hesitate to act when he heard his neighbor had molested his 2-year-old daughter. The 29-year-old Connecticut attorney climbed through his neighbor's bedroom window two weeks ago in Fairfield and fatally stabbed Barry James nearly a dozen times in the chest, authorities say.

But the molestation claim came from the girl, according to police and Edington's attorney. Experts who have studied the testimony of children say it is precisely the type of information that must be carefully evaluated.

"I think there is certainly misgivings about a report of a 2-year-old. Children under 3 have very, very fragile abilities to recount their day," said Lucy McGough, author of "Child Witnesses: Fragile Voices in the American Legal System."

Children under 4 are difficult to get qualified to testify in court in many states because of concerns about the reliability of their statements, McGough said.

Fairfield police say they are investigating a report of illegal sexual contact, but declined to provide details or say whether there were any witnesses. Edington's wife told police of the claim after the Aug. 28 killing. "The daughter gave the mother information which was alarming and disturbing. The mom relayed it to her husband. That was the spark," Michael Sherman, Edington's attorney, said last week.

James' attorney has called the molestation claim unsubstantiated.

Edington, who is free on \$1 million bond, appeared on Tuesday morning in Bridgeport Superior Court, where a judge set a probable cause hearing for Oct. 11. The judge also directed him to have no contact with relatives of the stabbing victim who still live in the house where the attack occurred.

Abuse cases involving very young children are challenging for investigators, said David Finkelhor, director of the Crimes Against Children Research Center at the University of New Hampshire.

"Professionals handle those cases with a great deal of trepidation these days," Finkelhor said. "There's been a sense that there's been a fair number of miscarriages of justice involving kids of that age." A number of mass child-abuse convictions from the 1980s have been overturned. Some abuse convictions have been overturned based on research on the suggestibility of very young children and concerns that prosecutors' suggestive and leading interview techniques made it impossible to tell if the accusers were telling the truth.

"Young kids are highly suggestible," said Elizabeth Loftus, a psychology professor at the University of California, Irvine, who has studied the suggestibility of child witnesses extensively. "You can get them to say they saw things and experienced things they didn't do or see."

A 2-year-old does have the ability to report such a claim, McGough said.

"They may not know the words, but they can point to their body parts that were touched," McGough said.

A voluntary, spontaneous report by a child may be more reliable than a claim arising from an adult questioning the child, McGough said.

"Children are typically so eager to conform to what they think are adult expectations," McGough said.

Getting to the bottom of what happened requires the help of a trained expert in interviewing young children, McGough said.

"They have a very daunting task to understand what's already occurred," McGough said. "It may sadly be already too late to find out what actually was said or done."