Eyewitness Identification: A Psychological Perspective

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Overview

1) Why do witnesses make errors?
2) Can eyewitness errors be prevented?

DNA Exoneration Cases in US

- 316 cases of DNA exoneration
- www.innocenceproject.org

- Of first 250 cases analyzed (Garrett, 2011):
  - 76% of cases had eyewitness misidentification
  - 36% of eyewitness cases had more than 1 witness
The Value of EW Evidence

- It can be valuable, if...
  - If it was strong to begin with
  - It is preserved and tested properly

Trace Evidence Analogy

- Memory is a form of trace evidence
- We cannot collect a person’s memory
- Each test (potentially) influences the trace evidence
- Continuously changing and degrading

What is the role of an eyewitness?

- Step 1: Perceive
- Step 2: Store the information
- Step 3: Retrieve
- Step 4: Communicate
A little about perception...

- Our expectations and experiences can influence what we perceive

How does memory work?

- Not like a video camera
- Memories are reconstructed
- Memory is easily subject to contamination by post-event information
How does face memory work?

- Occurs holistically, rather than piecemeal

What are the stages of memory?

- Encoding / Acquisition
- Storage
- Retrieval
Why do witnesses make ID errors?

Estimator Variables

- Uncontrollable factors
  - Short exposure
  - High levels of arousal/stress
  - Long periods of delay between event and retrieval
  - Lighting
  - Witness intoxication
  - Presence of a weapon
  - Cross-race and Cross-age effects
  - Co-witness contamination*
  - Distance
  - Levels of attention
  - Etc.

System Variables
System Variables

- Controllable factors (by police/investigators)
  - 911 call & Dispatcher training
  - Crime scene control
    - Co-witness contamination
  - Witness interviews
    - Cognitive interview
  - Identification procedures

Identification Procedures

- Mug-shot searches
- Showups
  - “You are going to be shown a series of people…”
- Composites/sketches
- Lineups (photo arrays & physical)

Composites/Sketches

- It is very difficult to describe a person’s features
- We process faces holistically (not piecemeal)
Jennifer Thompson’s composite

Assaults on Greenbelt trail, Concord - KTVU.com

- Latino or Asian
- Early to late teens
- 5’6”
- Thin to average build
- Short black hair

Lineup Theory

- What is the purpose of a lineup?
The lineup is a memory test that is designed to give investigators more information than they had before the identification. It is not a reasoning task, but a recognition task.

Simultaneous lineups are analogous to a multiple choice question. Pick the best answer, relative to the other options.

One lineup member will always look more like the perpetrator than the other members, even when the actual perpetrator is not in the lineup.
Sequential Lineups

- Present lineup members one at a time
- Yes or No decision before continuing
- Witness not aware of how many lineup members

- Double-blind testing (all lineups)
  - Administrator does not know identity of suspect
  - Eliminates all conscious and unconscious cues
  - Increases evidentiary value of eyewitness evidence

AJS National Eyewitness Field Study

- Comparing Simultaneous & Sequential lineups
  - Wells, Steblay & Dysart (2011)
- Method
  - Double-blind administration on laptops
  - Random assignment to lineup type
  - Standardized written & audio instructions & warnings
- Witnesses:
  - 497 stranger, first-attempt identifications

Witness Decisions for the Simultaneous and Sequential Procedures [N = 497]

- Identifications of Suspects
- Identifications of Fillers
- No Identifications
Witness Confidence/Certainty

- Research on witness confidence shows that it is related to accuracy - but not strongly

- Why?
  - Many variables can increase or decrease confidence after the identification decision

Post-identification feedback (Wells & Bradfield, 1998)

Witnessed Event ➔ Lineup identification ➔ Manipulation of feedback ➔ Measures

- Confirming: “Good, you identified the suspect.”
- Control: Nothing

(reollections of witness experience and lineup behaviors)
The Post-identification feedback effect

**Best Practice Lineup Recommendations**

- Double-blind administration
- Sequential presentation
  - Laps permitted only upon request
- Match-to-description filler selection
- Pre-identification instructions
- Obtain confidence statement immediately after ID
- Suspect presented in only one procedure
- Audio/Video recording

**Conclusions**

- No current identification procedure eliminates the selection of innocent people.
- Researchers have identified factors that are related to identification errors and this information can be used to increase the reliability of eyewitness evidence.
Thank you for your time.

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