

Sample essay on eyewitness testimony and memory

[Law](#), [Criminal Justice](#)



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Introduction

During a legal trial several evidences are presented to the jury in order to prove a case. One of the types of presenting evidences involves witnesses recalling from their memory of the event under trial. In legal terms, this is called eyewitness testimony.

Eyewitness Testimony as Evidence

Eyewitness testimony is a legal account given by witnesses of an event (McLeod, 2009). For example, a witness (or group of witnesses) may present the series of events in a crime based on what they have seen and heard. Details regarding the crime like the identification of perpetrators, the dialogue they heard, and setting of the crime are important facts retold by the eyewitnesses. Juries generally view eyewitness testimonies as trustworthy and convincing evidences (Sammons, “ Eyewitness Testimony”, para. 1).

Cognitive Psychology and Memory

Because of the use of eyewitness testimonies in trials in countries all over the world, Eyewitness Testimony has been an important area of research as it relates to cognitive psychology and human memory (McLeod, 2009). Aidan Sammons examines the two psychological factors which may deem Eyewitness Testimony fallible: “reconstructive errors and leading questions”, and “weapon focus and violence distractions” (para. 1).

Reconstructive errors occur because the human memory works by fitting information in schemas in order to retain them better and more conveniently. Information deemed insignificant by the brain is discarded from the memory. This process causes distortions in memory recall because little details in the crime scene which may be of importance to the case could have been over-looked by the brain as insignificant details. Memory retention works by simply getting the gist of the event witnessed in order for it to make sense and crimes usually involve more than just the summary of the crime. Leading questions also add to memory distortion by adding information which may not have been known by the witness and forcing them to fit it in their memory (para. 11).

Weapon focus is the tendency of witnesses to focus on the weapons used in a violent crime (para. 18). This tendency leads to the blurriness of memory retention on everything else that happened in the crime. Weapon focus is a manifestation of another factor which affects the accuracy of Eyewitness Testimony: violence distraction. Anxiety and stress play a major role in violence distraction (McLeod, 2009). Clifford and Scott (1978) conducted a study which showed that witnesses of violent events tend to recall less

information than those who have witnessed non-violent ones. Violence distractions increase anxiety and autonomic arousal which lessens memory recall (Clifford and Hollin, 1981 as cited by Sammons).

Conclusion

The possibility of memory distortion and false memories are high when it comes to remembering violent crimes and standing under trial. This could be dangerously detrimental to the justice system relying majorly on eyewitness testimonies as evidences. False convictions, false information, and other factors regarding the accuracy of evidences may be affected by faulty memory. The fault lies on the jury and lawyers who create jurisdiction based largely on eyewitness testimony without researching first on the fallibility of human memory.

Reference:

Clifford, B. R. and Scott, J. (1978). Individual and situational factors in eyewitness memory. *Journal of Applied Psychology*, 63, 352-359.

McLeod, S. A. (2009). " Eyewitness Testimony". *Simply Psychology*. Retrieved from <http://www.simplypsychology.org/eyewitness-testimony.html>

Sammons, A. (n. d) " Eyewitness Testimony". *Psychlotron*. Retrieved from: <http://www.simplypsychology.org/Eyewitness%20Testimony.pdf>