

# Eyewitness testimony assignment essay



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Eyewitness testimony is a legal term, it is a statement given under oath which police departments widely rely on. Eye witness recall is something that happened, according to an eyewitness- basically a person who saw an incident or an event and taking it into account. Although, eyewitness is relied on frequently there is strong evidence to suggest it isn't as reliable as we may think. Factors that can influence eye witness testimony are misleading questions, post traumatic information, emotional arousal, stress, cognitive interview, weapon focus and age. Eyewitness recall refers to false memories in psychology.

Eyewitness recall is not reliable as witnesses interpret what happened at a scene of a crime or an event. When eyewitnesses are questioned the phrasing makes a difference too. For example “ was the suspect wearing a blue coat?” Witnesses are highly unlikely to remember the exact colour. A better way to question the witness would be “ was the suspect wearing any distinct clothing”. This question would increase the chances of accuracy to recalling the information.

Children and the elderly tend to recall faces and information less accurately than young adults. Factors that have no effect are education, intelligence, gender and race. Memory is a factor that influences eye witness recall. As time passes after the incident has occurred it affects the memory as memory starts declining slowly and consistently. So this could reduce the level of accuracy. Attention is another important factor, to recalling information. A higher level of attention results in higher level of identification accuracy.

Factors that inhibit eyewitness recall are stress, trauma, anxiety and mood. When a person is stressed they are more likely to ignore information. Because they are under stress they may make up parts of the story to fit in what they believe they should've seen. High levels of anxiety can have a negative impact on recall: in a meta-analysis of studies Deffenbacher et al (2004) found that heightened emotion had led to less accurate recall by witnesses, however high levels of anxiety can have a positive impact on recall: Christianson and Hubinette (1993) questioned 110 witnesses to 22 real bank robberies and found that those who had been threatened during the raids had a more accurate recall of events.

Age- The relationship between age and recall of events is more complex than expected. It's a general theory that the older we get the more fragile our state of mind and other functions becomes, hence making old people less reliable eyewitnesses. Evidence suggests that young children are prone to errors too. Poole and Lindsey (2001) got a group of children aged between 3-8 to watch a science demonstration, prior to that they listened to a story that had some science material in it; but also some new information. Afterwards they were questioned about the science demonstration and it was found that what they heard from the story they added information from that to the science demonstration. Younger aged group were less able to distinguish the source of information. So Poole and Lindsey concluded that young people are poor at 'source recognition' hence are less likely to make for good eyewitnesses.

Weapon focus- Weapon focus usually results in poor quality testimony, as the witness is unable to describe much that is useful about other aspects of

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the incident. Loftus et al (1987) introduced the ‘ weapon effect’ so once the weapon is seen by a witness immediately the attention is drawn to the weapon and are distracted away from the criminal’s appearance who’s holding the weapon as it’s a frightening event. Hence reducing the accuracy of eyewitness testimony.

Misleading questions- The way questions are phrased are vital in obtaining a neutral testimony for example “ did you see the vehicle smash into the building?” implies higher speed than “ did you see the vehicle hit the building?”. This can exaggerate the witness’s recall of the situation, which can mutate the story.

The Loftus and Palmer Experiment.

The aim of Loftus and Palmer’s experiments was to investigate how information was supplied after an event, influences a witnesses memory for that event. Participants were forty -five students of the University of Washington. They were shown seven clips of traffic accidents. There were five conditions in the experiment (each with nine participants) and the independent variable was manipulated by means of the wording of the questions. The critical question was “ about how the cars were going when they + + + + + each other?” In each condition a different words or phrase was used to fill in the blank. These words were; smashed, collided, bumped, hit and contacted. The dependant variable was the speed estimates given by the participants. Speed estimates for the verbs used in the estimation of speed question.

The results showed that the phrasing of the question gave different speed estimations. With smashed gave a higher speed estimate than contacted. Loftus and Palmer showed how language and wording could influence a person's recall of an incident.

Reconstructive memory- Bartlett's theory of reconstructive memory is crucial to an understanding of the reliability of eyewitness testimony as he suggested that recall is based on how we learn things, make analysis from our own understanding of knowledge and how we make sense of our world. Many people believe that our memory is just like a video tape. We record information into our memory and when we remember we're playing back what we have recorded. However memory doesn't work this way.

It's a feature of human memory that we don't store information exactly how it's presented to us. We just tend to take out jists of information and store that in our memory. Bartlett suggested that we store certain pieces of information and when it comes to recalling something, we reconstruct these pieces of information into a ' meaningful whole'. This results in eyewitness testimony to be inaccurate. As other experiences shape the way we reconstruct our memory so if our memory is incomplete we will fit it in with pieces of irrelevant information from previous experiences.

People tend to store information in the way that makes sense to them. We make sense of information by trying to fit it into schemas, which are a way of organizing information and interpreting it. Schemas can be very useful because they provide a short-cut into how much information is available in our environment. Schemas are a very effective way of processing

information. Besides making the world more predictable they remove the need to store similar information more than once. For example if you think about a kitchen, you will probably find that your idea of kitchens includes features like a cooker, fridge, cupboards, work surfaces etc. Your schema for 'kitchen' includes these features because you have discovered through your experiences that most kitchens have them in some form.

In Piaget's theory, a schema is both the subject of knowledge and the process involved in maintaining that knowledge. As experiences generalise and new information is given, new schemas are developed and the old schemas are changed or modified. While using schemas to abstract information without much effort, it could cause problems for existing schemas of gathering new information. One example is prejudice as it holds back people from seeing the world as it really is and stops them from taking in new information. By holding a certain belief about a particular group of people the existing schema may cause people to give incorrect judgements so when an event takes place that challenges the existing beliefs people may come up with their own assumptions that uphold and support their existing schema instead of adapting or changing their beliefs.

The Cognitive Interview.

This was based largely on the work of Elizabeth Loftus and other psychologists, following their theoretical work into memory and eyewitness testimony. The psychologists put together a variety of questions that proved to be a better way to question witnesses. They did this so it could be reliability in recalling events. The technique is based around four

components. First, report everything. This makes the witness to report everything they can remember even if it seems to appear trivial.

Secondly context reinstatement. This tries to put the scene of the event that had taken place in the mind of the witness, this also takes into account the sound, sights, smells, emotions and feelings of the person at the time of the incident.. This is based on the concept of cue dependent memory. The first and second point got the witnesses to visualise and reconstruct the incident in their mind, so putting ourselves in a similar state of mind should help recall. Thirdly, recall in reverse order, it makes the witnesses to recall events in different orders i. e. starting from the middle of the event and working backwards. Finally recall from a different prospective, this makes the witness to see the scene in the view of how others at the time perceive it. The third and fourth points are based on the idea that once they have stored the incident in their memory there are many ways of retrieving the information. Also if one route hasn't worked then try using a different way, end to start.

A review was made up of recent experimental research regarding how well human observers can judge the accuracy of eyewitness testimony. It is concluded that people may be over willing to believe in the accuracy of eyewitness testimony; rely too heavily on the confidence of eyewitness in judging the validity of testimony; fail to adequately account for witnessing conditions across crimes and can't discriminate between accurate and inaccurate witnesses within crimes. The strength of eyewitness testimony is that it's very compelling. People tend to believe what others claim to have seen with their own eyes.

The weakness is that eyewitness testimony is often very unreliable. Different eyewitnesses often have very different versions of the same event. So taking into consideration all the factors that influence eyewitness recall it appears that there are so many barriers to overcome in order to produce an accurate account of any event, incident or past experience. As eyewitness testimony is not so reliable it can lead to unfortunate consequences when police want to investigate a certain crime or in an attempt to catch the criminal.

Therefore eyewitness accounts are not helpful to the police in most cases due to too many inaccuracies. Overall reliability is a major factor that influences eyewitness recall.