

# Forensic psychology assignment

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Area Eyewitness testimonies are a very Important area within cognitive psychology and relates directly to the human brain and memory. Cognitive psychology refers to the study of an individual's internal processes, more specifically how they perceive information, how they learn, remember and think. The way that an individual functions cognitively directly impacts the eyewitness statement that they give, as we all perceive and recall information differently.

By questioning the validity of eyewitness testimonies, ultimately we are sequestering In what way the function of our memory dictates how much, and what aspects of what we see are remembered. Within today's judicial system there are many aspects involved when convicting a perpetrator that the police have no control over, possibly the most important one is the use of eyewitness testimony. Eyewitnesses can be defined as a person who is, or was present at the time of an event who is able to testify from personal observation, either as a bystander or victim of the event (Morris, 1957).

The validity of eyewitness testimony has been questioned for a variety of different reasons, which are all equally important in answering whether testimonies are reliable and can be trusted. Throughout trial one of the strongest and most persuasive pieces of evidence given, which is commonly accepted as trustworthy is the eyewitness testimony (Mud and Govern, 2004). It is this trust and perceived credibility of eyewitness identifications that poses a major problem within the court system regarding unreliability of the witness resulting in false Identifications.

When eyewitnesses provide correct identifications. It successfully aids the conviction of the culpable person. Although if an eyewitness has provided a flawed testimony, the damages to the innocent person are irreparable as the perpetrator is left unaccountable. Factors that can taint identifications are cross race identifications, the misinformation effect and the contamination of memory due to post event information.

Each factor impacts the acquisition, storage or retrieval of cognitive memory, of which at times we have little control over. Factor 1 Within research investigating eyewitnesses there is consistent evidence regarding the presence and impact of the cross-race effect, also referred to as own-race bias. The cross race effect refers to people of one race being able to identify others of the same race more clearly than they can identify those who are of a different race (Smith, Stations & Propose, 2004).

Severe ramifications can arise when this factor is applied to eyewitness testimonies and is a known common cause of misidentification (Wilson, Heisenberg, & Bernstein, 2013). The fallibility of eyewitness memory has recently come to light with the use of DNA; since DNA was first used in post-conviction appeals many people have been found innocent and subsequently exonerated. From those who have been exonerated, 77% of them had been due to false identifications (Lecture, 2013).

Of this 77% a large proportion were convicted. Although there is little known about the cause of this effect, it is proven that when an eyewitness is faced with a suspect who is of a different race to them, accuracy rates are significantly lower than in same-race identifications (Smith et al. , 2004).

Studies show that from the age of four through to adulthood, individuals reported demonstrating higher confidence and accuracy when recognizing faces of their own race compared to those of a different race (Walker & Weston, 2008). Walker and

Weston, (2008), claim that although individuals are better at recognizing facial features associated with their own race, they are faster when recognizing other-race face classification and it is often the first thing analyses. Despite the lack of a defining cause for the cross-race effect there are some explanations as to why this may occur, such as the contact hypothesis (Smith et al. , 2004). Smith et al. , (2004) claim that the amount of time an individual has been predisposed to cross-race contact will affect their ability to distinguish cross-race features.

Therefore the more embody from a particular race comes into contact with those from another race is said to increase the sensitivity to their features as well as decreasing the assumption of there being less homogeneity in cross-race facial features. It is said that because witnesses generally have more experience continuously perceiving and encoding the faces from people within our own race, they are in turn more likely to be able to perceive what they are more familiar with (Smith et al. , 2004).

It is for this reason that eyewitnesses tend to only process and encode group-identifying features rather than features perceived as out-group, making it very difficult to recognize differentiating facial details (Harridan, Branford & Benjamin, 2013). It is near impossible to avoid cross-race identifications as there is no choice as to who views the crime, this is a factor that there is

little control over yet has a profound effect on the efficient workings of our Judicial system (Wilson et al. , 2013).

The statistics of cross-race misidentification force us to question Just how much emphasis we should be placing on the reliability of eyewitnesses. Should we be trusting eyewitness accounts if the travel of our memories can be so easily manipulated without our knowledge? It is this natural fallibility of the human brain and our cognition that makes our memory so susceptible to contamination, resulting in validity of testimonies being up for interpretation.

Factor 2 Another factor that sparks discussion regarding the reliability of eyewitnesses is the malleability of memory, resulting in the common misinformation effect.

The misinformation effect refers to the tendency for post event information to become integrated into a person's original memory of an event, allowing the memory to come contaminated unconsciously (Lecture, 2013).

Contamination can occur through discussion with other witnesses or through leading questions asked by police. The conversations between co-witnesses are perhaps one of the most pervasive and uncontrollable facets of misinformation, which if contamination occurs can result in a witness unknowingly and unwillingly committing miscarriages of justice (McLeod, & Saunders, 2005).

There is sufficient evidence proving the negative effects that post event discussion with other witnesses has on increasing the with others initially are typically more likely to report misinformation than those who ported individually and were isolated after an event took place (Riviera et al. ,

2013). MouseKey and Saratoga (1987), suggested that there is a social element that can explain the increase of suggestibility in collaborating witnesses, stating that individuals generally have more faith in another person's memory of the event than their own.

Loft's et al. , (1975) argued that when misleading post event information was provided the original memory is overwritten, effectively making it impossible for people to be aware that they are providing misleading eyewitness accounts. The fact that people are blatantly unaware the information they are giving is untrue provides a great complication within the courts. Although the witnesses may be confident in the account that they are giving, confidence is not always indicative of a correct identification (Douglass & Jones, 2013).

Although conversation with other witnesses is mostly identified as a negative, sometimes it can increase the amount of correct responses given, however it is unclear if those responses are given due to the witness actually seeing the event for themselves or because they were told the correct information by others (Gabbier, Moon & Allan, 2003). There are two explanations that may be able to identify why the memory is so easily penetrable in a social situation, these can be categorized as normative influence and informational influence (Riviera et al. 2013). Riviera et al. , (2013), states that normative influence refers to a witness weighing the consequences of disagreeing with somebody against the consequences of being wrong. Therefore if a witness is unsure about certain details, they will either withhold information or simply agree with the consensus of information around them unconsciously or consciously. If this explanation is

applied to eyewitness testimonies, it shows just how potentially unreliable they can be.

As there is no correlation between perceived confidence and actual correctness regarding eyewitness identifications, those eyewitnesses who trusted others that seemed to have more confidence in their account of the event, have a very high chance of reporting a false testimony (Douglass, and Jones, 2013). Although misinformation and the risk of planted memories is a common factor within eyewitness testimonies, studies show that when witnesses are faced with an event that is associated with greater amounts of distress there was better recognition accuracy reported (Pas-Alonso, Goodman, & ' babe, 2013).

Like any estimator factor there are some individuals who are more likely to be susceptible to post event and misleading information that can taint their testimony, there is little control over this. Factors such as age, personality, amount of exposure to the crime and visibility when combined with misleading information increase the likelihood of an inaccurate identification. However when these factors are involved, it is shown that the presence of a plurality option; that is giving multiple choice answers to a question, accuracy was increased (Ulna, Martin-Lounge, 2012).

Although this does not account for testimonies that would be given under free recall which are often the most truthful, when the questions are asked without any leading or emotive language. Summary Assessing all the information provided regarding cross-race bias and the terms of cross-race bias, eyewitness testimonies cannot be perceived as entirely reliable and

should not be assumed correct without proper evidence to support the identification. As there is a proven higher prevalence of black people being arrested relative to white people there is a higher possibility for false identifications due to the own-race bias (Current, 2000).

Own-race bias within some analyses has been associated with implicit racial bias, demonstrating this cross-race effect is inherently linked to social categorization resulting in subconscious racial bias throughout the processing of racial face information (Walker, 2008). Due to this statistic the validity of cross-race identifications does have to be questioned in order to ensure that innocent people are not being incarcerated, while guilty people are still at large.

Confidence and accuracy, which are often viewed as an assumption of truth by police, judges and the Jury are only shown to be significantly correlated when the witness is of the same race as the person that they are identifying (Wright, Boyd & Outdoor, 2001). The second factor addressed is the issue of misinformation and the effect that post event information has on original and perceived memory. This is perhaps the most impacting factor that can be applied to eyewitness testimony as those who have been subjected to misleading information truly believe they are telling the truth.

A witness's ultimate belief and confidence within their testimony results in many different problems and greatly diminishes the reliability of the testimony within the courts. For example if one group of witnesses has collaborated and have the same story yet another group has collaborated, resulting in a different story; this cannot be used as evidence within the



court because of the inconsistencies. However if there is only one group who has collaborated a misleading story, the Jury will mistake the consistency of the story for trustworthiness which can result in wrongful conviction.

Our memory is fallible and impressionable by nature and generally people will pay more attention to something that carries meaning to them making what we choose to remember very subjective. As Juror's perceive eyewitness testimonies to be the most confidence inducing aspect of the trial when they are coming to their decision, the fact that there are so many issues relating to the accuracy and reliability of these identifications is troubling and seems to discredit the right to a fair trial in certain criminal procedures.

Therefore in conclusion, even if an individual believes they have correctly identified a suspect, eyewitness testimonies still have the possibility of being unreliable and should be treated as such. No matter how self-assured an eyewitness may be there should be an element of doubt placed upon that testimony until all evidence has been considered to ensure that suspects are receiving the fair trial that they are constitutionally promised. References Current, S. R. (2000).