

The reliability of eye witness testimony criminology essay

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The Reliability of Eye-witness Testimony

Eye-witness testimony plays a key role in courtroom trial. When there is no evidence to apprehend the accused, eye-witness testimony becomes an effective tool in apprehending the culprit. Although the use of eyewitness testimony by juries is considered as most valuable tool but the eye-witness testimony is questionable because majority of witnesses fail to provide accurate information of the incident. The use of eye-witness testimony is often a primary source of evidence used in the judicial system around the world. Eye-witness testimony refers to a description given by people of an incident they witnessed. This description includes identifications of the attacker, " details of the crime scene" and so on (McLeod, 2009). The testimony displays the importance of eyewitness, and focuses on the theory that jurors tend to over believe, or at least rely heavily on such accounts where an eye-witness is involved. Statistics show that " 500 wrongful convictions and concluded that mistaken eyewitness identification occurred in 60%" (Green, 2009). This can be considered as a very high number of misidentification. Research into this area has findings that show eye-witness testimony can be affected by many factors. Inaccuracy of memory is often the main issue with eye-witness testimony. Witness often can't properly recall an incident. This usually happens when there is a time-lapse between the witnessing of the incident and questioning of the witness. Long time-lapse in retrieving a witness's statements can stretch their recall memory. Overtime, memory of the event may not be fresh and may be altered every time it is retrieved from memory and not only that, new

information can make the old information to be lost. Memory changes over time and "[a]s people recall an event over and over, they remove details from earlier versions and add in new details to later versions" (Green, 2009). Witness also often taken in information learned after the incident into the memory. They may talk to other witnesses or watch the news and fill their brain with the memory of the conversation. As a result, the level of accuracy decreases with each the new modified version which is no longer reliable to be used as an eye-witness testimony. The distraction of witness is another problem with eye-witness testimony. Stress and anxiety plays a huge role as it can distract the witness's concentration. A study done by Clifford and Scott (1978), as cited in McLeod (2009) found that people who saw a movie of a violent attack can't remember much information about the event compared to the " control group who saw less stressful movie". The weapon focus effect also plays a role whereby when a weapon is involved in a crime, the witness's concentration moves toward the weapon (McLeod, 2009). It is not unusual for a witness to be able to describe more on the weapon compared to the attacker itself when there is a weapon involved in the event. So, when a weapon or stress is involved, the witness is unable to be aware of the other details as their attention is concentrated fully on the weapon and anxiety. This can lead to poor memory recall later on. Therefore, distraction of witness is also a factor to be taken count on in the unreliability of eye-witness testimony. Witnesses also often give error-prone identifications whereby the witness fails to distinguish details of the incident. Most of the time, witnesses don't really give proper attention when a crime is going on. In a research done by Leippe et al. (1978) as cited by Wells and Olson

(2003), they found that amount of attention given by the witness affects the identification of the attacker. If more time is taken to pay attention to the attacker and incident, the witness is more likely to accurately identify the attacker. Disguises used by attacker can prevent accurate eye-witness identification. If the attacker wears disguises such as a sunglasses or a hat, it can increase the chances of misidentifications (Wells & Olson, 2003). When disguises are used, witness can't choose the culprit from the line-up since the culprit was wearing a disguise. Not paying enough attention during the crime can also lead to the details of the event being questioned. Witness could identify the culprit clearly if the incident goes on for a longer time. This shows that this would only increase misidentifications. Not being able to distinguish details is dangerous as it can lead to wrong convictions and this also proves as another factor on why eye-witness testimony is not reliable. Line-up content also plays a role in the error of identifications. When the police have a suspect, a lineup of non-suspect will be chosen so that an innocent suspect is not mistakenly identified just because he was "standing out and so that the suspect does not escape just because he was blending in" (Wells & Olson, 2003, p. 287). When a line-up is shown to a witness they neither may nor may not contain the actual culprit. An experiment done by Lindsay and Wells (1980), as cited in Wells and Olson (2003), shows that when the suspect and non-suspect look similar, eye-witnesses tend to mistakenly identify a non-suspect as the suspect. In culprit-absent line-ups, it causes problems for eyewitnesses because one usually expects the culprit to be present in a line-up. When they see it and they couldn't see the person they are expecting, witnesses get confused and might identify a wrong

suspect. Not only that, when there are similarities between the culprits and non-suspect, it poses as another problem during the culprit-present line-up as it will definitely lead to misidentifications. It can be said that, manipulation of the line-up content can cause the testimony of the eye-witness to be questioned. The characteristic of the witness such as their age has been highly questionable in the eye-witness testimony issue. " Compared to younger adults, elderly people have difficulty remembering the source of information" (Bornstein, Witt, Cherry, & Greene, 2000). Cohen and Faulkner (1989), as cited in Bornstein, Witt, Cherry & Greene (2000), tested this by " showing participants a film of a kidnapping, and then presenting them with a narrative containing misleading details" before asking them to recall what happened in the film. The findings show that older participants (70 years old) were more likely to be misled by the younger participants (35 years old). Elderly people also easily commit the mistake when identifying from a lineup. It is found that when the lineup does not contain the suspect, elderly people mistakenly identifies at a higher rate than younger adults (Wells & Olson, 2003). Although elderly people can be considered as a reliable source, but their memory power says otherwise as they have problem remembering details and they are also easily misled when other information comes in. Not only that, they also misidentify culprits from the line-up probably due to their inability to recall properly. Therefore, it can be said that age of witness also has an effect on eye-witness testimony and it poses as a risk for misidentifications. Recent research done by Meissner and Brigham (2001) as cited by Wells & Olson (2003), shows that people are better at recognizing face of their own race rather than other races. Since people are better at

recognizing their own race, an intervening line up of different races can be confusing the the witnesses. In a study dealing with eye-witnesses testimony, " Weber State University professor Sheree Josephson" examined forty participants in a multi-racial area of the United States, they had the participants watch a video of a crime being committed. After 24 hours, the participants had to pick the suspect out of a photo line-up. Majority of the participants in the study either misidentified the suspect or stated the suspect was not in the line-up. Correct identification of the suspect occurs more often when the eyewitness and the suspect were of the same race (Valkenburg, 2012). Evidence now shows that people are better recognizing their own race compared to other race. In any case a different race suspect is involved it shows that witness could get confused while identifying from a line-up. A witness might confused with different races because people with different races might look similar for them. In a way, we can say that if another race person is different from the eye witness's race, it would definitely cause higher rate of misidentification and this is a risk that should not be taken by law enforcement. It can be concluded that the use of eyewitness accounts is not reliable source of evidence because its accuracy is being questioned in many ways. Its reliability is questioned in terms of how much the witness is able to accurately recall all pieces of information especially having experienced high amounts of anxiety and stress. Not to mention also, the race factor and the intervening line-up which also play a role in misleading the witness. Eyewitness testimony will always remain a imperative source of evidence but the use of it should be carefully measured

to avoid any false information or mistaken convictions as it can ruin another person's life.