

How not considered a
crime. furthermore
the jury



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How witness testimonies are affected by false memories and how they are not A false memory is an event the recalling of which is distorted and fabricated. Memory is normally considered by people as a video recorder, capable of recording and storing all the happenings with perfect accuracy and clarity. Realistically speaking memory is highly prone to fallacy. There can be a high level of confidence associated to the accuracy of memory, but there is no guarantee that a particular memory is correct. Level of fallacy attached to memory can range from being extremely serious like incorrectly recalling the details of an accident or mundane like forgetting to lock the front door. The foundation of the American judicial system is based on the accuracy and honesty of witness testimony in a trial.

Perjury can undermine the credibility of a trial and put serious implications on the integrity of the American Judicial system since eyewitness testimony leaves a deep impression on the jury, which is responsible for assessing the honesty and truthfulness of witness statements based on which a judgment is issued. Perjury is defined as consciously making a false statement.

Misremembering is not considered a crime. Furthermore the jury analyses and authenticates witness testimony in private and the reason for the judgment issued is not revealed. Therefore it is important for the jury to consider the imperfections of witness memory since judgments are based on the factual determinations of whom to believe. All parties have one chance to trial considering its rare for chances to be given for appeal.

Correct determination of truth is difficult especially if witnesses themselves are clueless about the inaccuracy of the information they retrieve from their memories. Numerous researches and studies have been conducted to verify

the extent of fallacy associated to human memory related to events that occurred or did not occur. Elizabeth Loftus conducted several experiments in the mid seventies with respect to the introduction of false facts introduced by a third party.

Subjects were shown a slide of a car at the intersection with either a yield sign or stop sign. Participants were asked questions by the experimenters deliberately introducing the term stop sign in place of the yield sign they had actually seen. Alternatively experimenters used the term stop sign with participants who had seen the yield sign. Results revealed that subjects remembered seeing the false image. Initially in the experiment participants were also shown a slide showing a car accident. They were asked questions such as how fast did they think the cars were travelling, and why did they hit each other. Others were asked how fast the cars were travelling when they smashed in to one another. This experiment proved that introduction of false cues altered the memories of the participants and with whom the word smashed was used falsely remembered broken pieces of window glass from the original slide.

Psychologists have also discovered that our memories of everyday events may not be hundred percent accurate. Once committed to memory information can be altered. " Our recollection of memories can be manipulated and even entire sets of events can be confabulated." (Coan, 1997) Although false memories have been researched by psychologists as early as Freud, they have gained prominence over the recent years.

Recollection of past events can significantly affect outcomes of court verdicts when influenced by incorrect eyewitness testimonies as well as our future

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decisions and opinions. (Loftus, 1975) In the initial experiment conducted by Loftus and Palmer (1974), different videos of car collisions were shown to various participants. Some viewed the car crashing at 20 mph, others saw it at 30 mph while the remaining viewed it at 40 mph.

During a survey question the participants were asked about the speed of the collision. Except for the verb mentioned, the question was identical for each participant describing the crash. Some verbs suggested that the crash was a minor collision whereas others indicated a full blown crash. Verb used in the question asked affected participant responses more than the actual speed of the car during the collision that the subjects witnessed during the videos. In the following experiment, subjects were shown similar videos of a car and later questioned about what they had witnessed. Verb used during questioning was altered suggesting varying degrees of severity asking the participants whether they had seen broken glass following the collision in the video. Both experiments prove that the manner in which questions are framed can alter the recollection of events even after it is remembered. False memories of events can be created by alterations to the verbs used in the questions as suggested by Loftus and Plamer's experiments.

Loftus was to discover later that even changing ' a' or ' the' in questions, can significantly affect respondents recollection of an object. Although memory can be hazy at times, they can depict accurate recollection of past events even if they are violent and well encoded. Although a large number of neuroscientific experiments suggest that memories are susceptible to fallacies and may be distorted. Common misunderstandings about memory

can have severe consequences in the courtroom for example expecting memories to be more vertical than they actually are.

In numerous countries courtroom judgments are based on witness testimonies with varying degrees of accuracy and credibility. The belief that confident memory is supposedly highly accurate and less susceptible to distortion or loss is an unfortunate misunderstanding of memory that can have important consequences in the courtroom. There have been instances where memory distortion has led to innocent people being convicted whereas true perpetrators have walked free. The Innocence Project in New York City which encourages DNA testing to exonerate wrongfully convicted people lists 301 exonerated individuals. These individuals had to spend an average of 13.6 years in prison based on eye witness testimony before being released from prison. These are only a small group from a large population since DNA testing is specific to cases of sexual assault. Most individuals not belonging to the field of memory research, for example jurors, are unaware of how memory recollection can be wrong.

Early studies on the public awareness of memory phenomena revealed that when college students were questioned what factors influence memory like the way questions are worded, or stress, only 54% were correct. The score was surprisingly low considering the implications of these factors on court cases. Similar studies conducted in Washington DC on older citizens gave a score of less than 50% suggesting that college students were better informed on factors that influenced memory as compared to general public. References: 1. The problem with eyewitness testimony, a talk by

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