

## Eyewitnesses

## Be an eyewitness

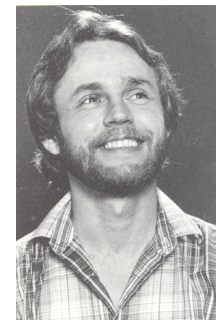


## View the lineup



## Steve Titus

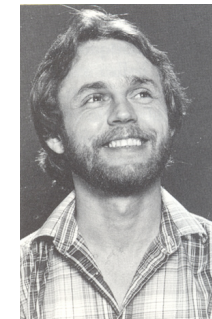
- Light blue compact car
- Beard
- Positive Photo ID
- Rape at 6:30, phone call at 7:00
- Failed polygraph (not admissible)
- License 661-677; witness: 667 or 776



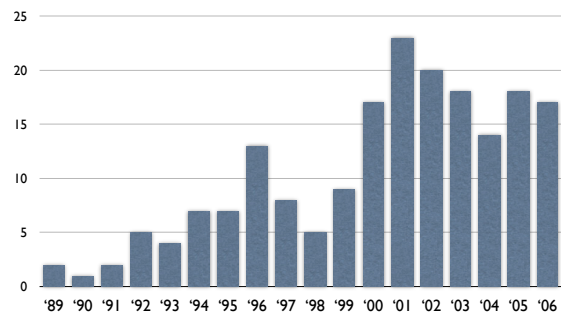


## Steve Titus

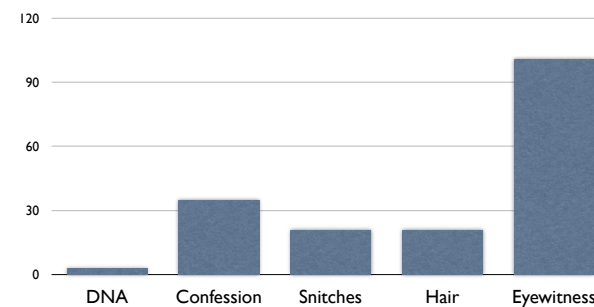
- Light blue compact car
- Beard
- Positive Photo ID
- Rape at 6:30, phone call at 7:00
- Failed polygraph (not admissible)
- License 661-677; witness: 667 or 776



## DNA Exonerations



## Factors in 130 Exonerations



## How many wrongful convictions?

- 0.5% ??
- 14 million arrests per year
- 3 million for serious crimes
- half result in convictions
  - = 1.5 million convictions for serious offenses
- .5% of 1.5 million = 7500

Lesson 1: Faulty eyewitness testimony is the single biggest reason for wrongful convictions

## Eyewitness accuracy research

- Convenience stores (Brigham et al., 1982)
  - 2 hours later: 34% accuracy
  - 24 hours later: 8% accuracy
- Banks (Piggot et al., 1990)
  - 48% accuracy
- Overall average: **Approx. 40%**

Lesson 2: Eyewitnesses are only moderately accurate



- Prosopagnosia

## Loftus (1974)

On Friday, Nov. 12, 1970, Mr. X, the owner of a small grocery store, was confronted by a man who demanded money from the cash register. Mr. X immediately handed \$110 to the robber, who took the money and started walking away. Suddenly, and for no apparent reason, the robber turned and fired two shots at Mr. X and his five-year-old granddaughter, who was standing behind the counter. Both victims died instantly. Two-and-a-half hours later the police arrested a suspect, who was charged with robbery and murder. A trial date was set for Feb. 3, 1971.

## Prosecution case

The robber was seen running into an apartment house in which the defendant lived.

\$123 was found in the defendant's room.

Traces of ammonia used to clean the floor of the store were found on the defendant's shoes.

Paraffin tests, used to determine whether a person has gunpowder particles on his hands from firing a gun, indicated that there was a slight possibility that the defendant had fired a gun during the same day.

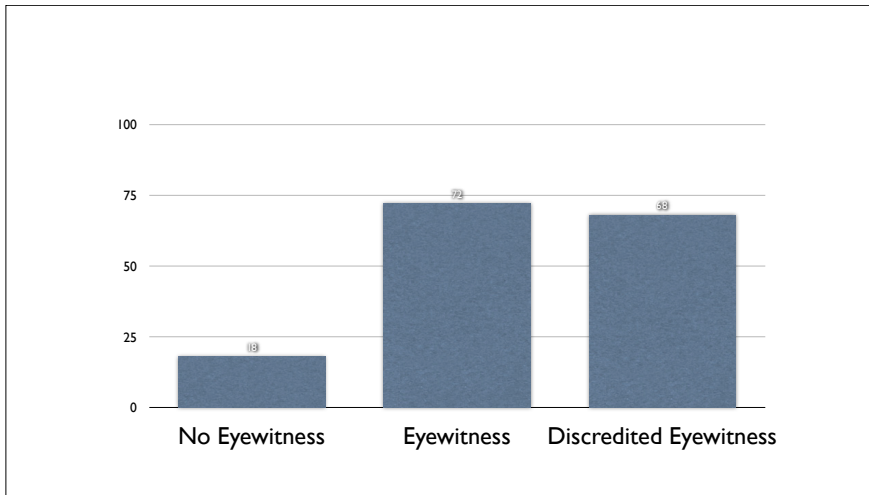
## Defense case

Defendant took the stand and said he did not commit the crime.

The money was his savings from a two-month period.

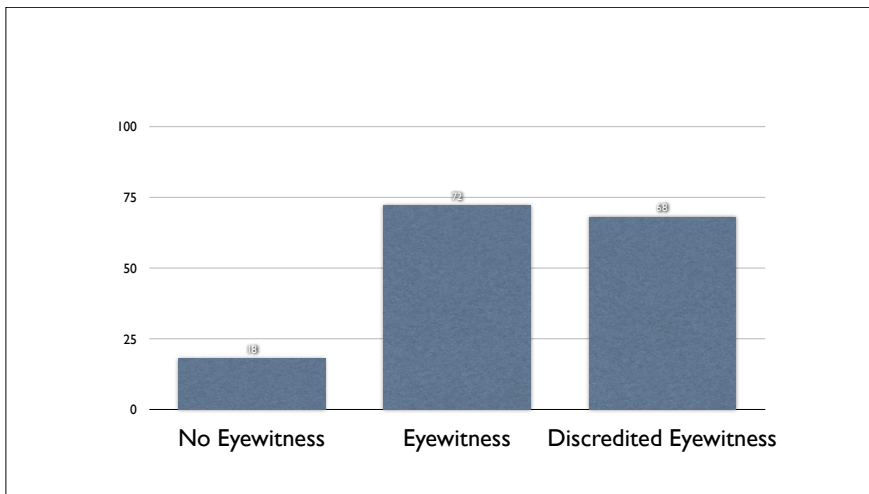
The ammonia tracings could have been obtained at a different place since he worked as a delivery man.

He says he has never fired a gun in his life.



## Eyewitness added

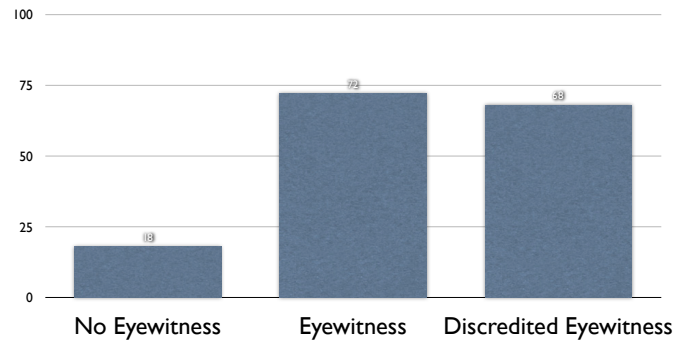
A store clerk saw the defendant shoot the two victims.



## Eyewitness discredited

Eyewitness had 20/400 vision, and was not wearing glasses.

Could not have seen suspect's face.

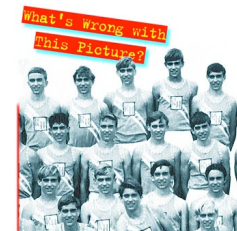


Lesson 3: Eyewitnesses have a very strong impact on jurors

## System vs. Estimator Variables

- Estimator variables
  - Own-race bias
  - Weapons-focus
  - Disguise

## The Best Disguise

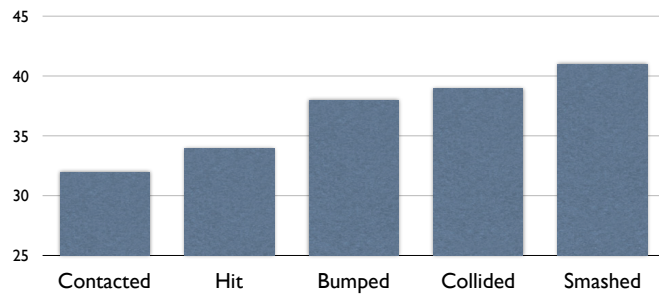




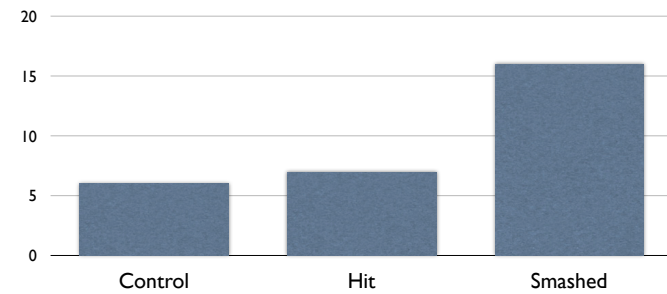
## The Misinformation Effect

- Loftus & Palmer (1974)

How fast were the cars going when they \_\_\_\_ each other?



Did you see any broken glass?



## System Variables

- Line-ups
- Witness questioning
- Gary Wells



## Jennifer Thompson



Ronald Cotton

- Unconscious transfer



Bobby Poole



## Police Lineups

- Fillers



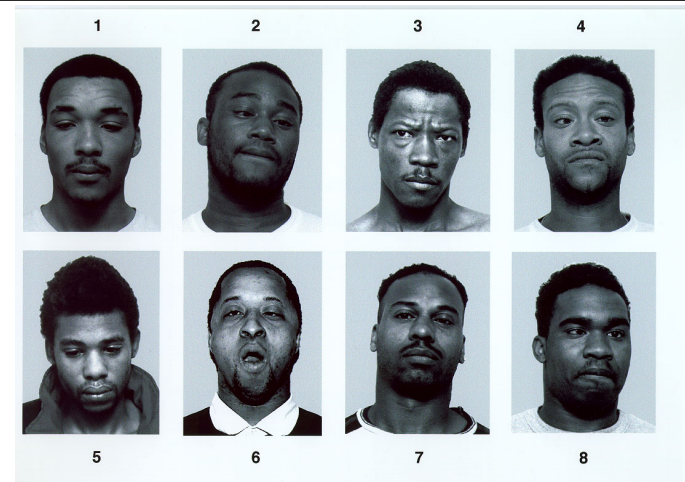
The two eyewitness described the offender this way:

- Late teens, 15-16 years old, no more than 18 years old.
- African-American, Black male
- Small build, about 120-140 pounds in weight.
- Between 5'2 – 5'5 in height
- Long hair in single row braids that were coming loose



The one Hispanic witness gave the following description:

- Thin
- Hispanic man
- Mustache
- Collar - length hair



## Recommendations

- All fillers should be innocent
- Fillers should match witness's verbal description
- Witness should be told that actual offender may not be present
- Use sequential rather than simultaneous line-ups
- Do not inflate witness confidence
- Videotape line-up
- Investigator should not run line-up

## Hypnosis

- Martin Reiser
- "TV method"
- Chowchilla
- Rock v. Arkansas
- Better alternative: Cognitive Interview

# The Cognitive Interview

- Reconstruct the circumstances
- Be complete
- Recall in different orders
- Change perspectives

# Sketches

