

Forensic Psychology Chapter 5

Eye Witness Testimony

Recall Memory: This refers to reporting details of a previously witnessed event or person. Ex: Describing what the perpetrator did, what he looked like.

Recognition memory: Refers to determining whether a previously seen item or person is the same as what is currently being viewed.

Stages of memory

1) **Perception/ Attention Stage:** "I see an unfamiliar male. I notice he has a round face and bushy eyebrows.

2) **Encoding Stage:** Male, round face, bushy eyebrows

3) **Short term memory:** Male, Full eyebrows

4) **Long term memory:** Male, Full eyebrows

5) **Retrieval Stage:** What did he look like ? He had full eye brows.

Independent Variables

Independent variables: There are numerous independent variables that can be manipulated or examined within the laboratory simulation. Wells created the terms *Estimator Variable* and *System Variable* to help Classify them.

Estimator Variable: Those variables of factors that are present at the time of the crime and that cannot be changed. Examples of these can includes age of the witness, the amount of lighting, the presence of a weapon, whether the witness was intoxicated.

System Variable: Are those variables or factors that can be manipulated to increase or decrease eye witness accuracy, such as the type of procedure used by the police to interview the witness or the type of lineup procedure used to present the suspect to the witness. Features of the legal system, that can alter the reliability of eyewitness testimony and can be controlled.

Dependant Variables

There are three general dependent variables in eye witness studies. (1) Recall of the event/ Crime, (2) Recall of the perpetrator, (3) Recognition of the perpetrator.

- (1) Recall of the event /Crime can take two formats. Using a format called **Open-ended recall** witness are asked to either write or orally state all they remember about the event without the officer asking questions. This is also know as **Free narrative**. The second format is known as **Direct Question Recall** witnesses are asked a series of specific questions about the crime or the perpetrator.
- (2) As for recognition of the perpetrators, the typical recognition task is a lineup. A perpetrator **lineup** is a set of people presented to the witness, who in turn must identify the perpetrator if he or she is present.

Interviewing Eye-Witnesses

In a study conducted by fisher et al. they found that the police officers approach limited their ability to collect complete and accurate information in a number of ways. **First** researchers found that police often interrupted eyewitnesses when they were providing open ended recall information. Police may limit the amount of information the witness has in their conscious memory by preventing the witness from speaking or interrupting them.

Second Police questioned eyewitnesses with very short specific questions. For example if the perpetrator had a tattoo but the police officer didn't specifically ask if the person had a tattoo then they would miss that detail. Thus open ended questions are encouraged.

Third Police tend to ask questions in a predetermined or random order that was inconsistent with the information the witnesses are providing at the time.

Fourth Police tended to ask questions that were "leading" or suggestive which can be very dangerous when trying to collect information accurately.

Memory Conformity: What one witness says about a crime can affect what another witness will say if those witnesses communicate with one another or come to learn what the other has reported .

The misinformation effect: Leading questions ***important

Elizabeth Loftus one of the most prominent researchers in the areas of leading questions conducted an experiments in which students watch a tape of a car accident. After watching the tape students were questioned with variations for the word *hit*. Replaced words included *Smashed, Collided, bumped, or contacted*. Even tho all participants saw the same videotape, the speed reported by the participants varied depending on which critical word was used. Participants reported the highest rate of speed when the word *smashed* was used and the lowest rate of speed when the word *bumped* was used. This study illustrates how the wording of a question can influence memory for the incident.

The misinformation effect: Is a phenomenon in which a witness who is presented with inaccurate information after an event will incorporate that misinformation into a subsequent recall task. This is also known as the **post-event information effect**.

Misinformation acceptance hypothesis: Some witnesses will guess at the answers they think the experimenter wants, resulting in the misinformation effect. (Know for exam)

Memory impairment hypothesis: Someone has a memory but because something else has been told to them, more information from another source has been presented and the persons memory becomes diluted. (Know for exam)

Source misattribution hypothesis: Some studies have found that witnesses can recall both memories, the original accurate memory and the inaccurate one. However witnesses cannot remember where each memory came from and when asked to recall what was seen the witness chooses the incorrect memory. (Know for exam)

The misinformation effect is real.

The Cognitive Interview

Researchers have developed an interview procedure based on principles of memory storage and retrieval called the cognitive interview. The cognitive interview can be used with eyewitnesses but is not intended for suspects as they may be uncooperative and lie. Cognitive interview is based on four memory retrieval techniques to increase recall. (1) Reinstating the context. (2) reporting everything, (3) reversing order, (4) changing perspective.

Overtime there were additions to the cognitive interview and it was later changed to **The Enhanced cognitive Interview** which includes various principles of social dynamics in addition to the memory retrieval principles. These include

1. Rapport building: Officer should make the witness feel comfortable and supported
2. Supportive interviewer behaviour: Witness should not be interrupted. Pauses should be waited out by the officer

3. Transfer of control: Witness should maintain the flow of conversation since the witness is the expert and was the person who saw the crime.

4. Focused Retrieval: Questions should be open ended and not suggestive. After free-recall the officer should use focused memory techniques to facilitate retrieval.

5. Witness- Compatible questioning: An officers questions should match the witnesses thinking. If the witness is talking about clothing the officer should ask about clothing

Both types of cognitive interviews produced more accurate information, without an increase in inaccurate information, than standard interviews.

Lineup Identification

Suspect: A suspect is a person that the police “suspect” committed the crime. A perpetrator is the guilty person who committed the crime.

In addition to placing a suspect in a lineup, other lineup members may be included. These members are called **Foils or Distractors**, and they are individuals who are known to be innocent of the crime in question. Police use a couple of different strategies in creating lineups.

Similarity-to-suspect strategy: Matches lineup members to the suspects appearance. For example if the suspect had brown hair and blue eyes and a moustache then each lineup member would have those characteristics. Problems with this are that the lineup could look too similar to each other making it virtually impossible to identify the perpetrator.

Match-to-Description strategy: Sets limits on the number of features that need to be matched. Distractors are matched on the items that the witness provided in his or her description.

Fair lineup: A fair lineup is one in which the suspect does not stand out from the other lineup members. For example if skin colour was not mentioned then a lineup could be constructed with one white face (the suspect) and five black faces.

Estimating identifications accuracy (Know this for exam)

In order to make sure the right person has been arrested the police may create two lineups. The **Target present** lineup and the **target absent** lineup.

There types of decisions can arise in the **target present lineup**. The witness can identify the guilty suspect which would be a correct identification. Witness can identify the foil which would be foil identification. Lastly the witness may say the perpetrator is not present which would be a false rejection.

Three types of decisions can arise in the target absent lineup. The witness can say the suspect is not present which is a correct rejection. The witness can identify a foil which is a foil identification. The witness can also identify an innocent suspect in which case the witness makes a false identification.

Identification decision implications: The only correct decision with a target present lineup is to make a correct identification. The only correct decision with a target absent lineup is to make a correct rejection. The other decisions with each type of line up are errors and have different implications for the witness and justice system.

Live lineups or photo arrays?

Photo arrays is the term used for photographic lineups. Photo arrays are more common than lineups for a a few reasons. (1) They are less time consuming. (2)They are portable. (3) The suspect does not have the right to counsel being present when a witness looks at a photo array. The right is present with lineups. (4) Because photos are static the police need not worry that the suspects behaviour may draw attention to him. (5) A witness may be less anxious examining a photo array than a live lineup. It has been found that witnesses requesting additional passes through the lineup were more likely to guess and that this occurred most often with foil identifications.

Lineup presentation Procedures

Simultaneous lineup: A common lineup procedure that presents all lineup members at one time to the witness. This procedure encourages the witness to make a **relative judgement:** whereby lineup members are compared with one another and the person who looks most like the perpetrator is identified.

Sequential Lineup: An alternative lineup procedure is the sequential lineup. This lineup procedure involves presenting the lineup members serially to the witness. The witness must make a decision as to whether the lineup member is the perpetrator before seeing the next lineup member. Also with this procedure a witness cannot ask to see previously

seen photos and the witness is unaware of the number of photos to be shown. The sequential lineup procedure is more likely to create an absolute judgment. An **Absolute judgement** is when each lineup member is compared with the witnesses memory of the perpetrator and the witness decided whether it is the perpetrator.

Show-up: An alternative to the lineup procedure is the show up procedure. This procedure shows one person to the witness (The suspect). Because the witness is aware of whom the police suspect, this knowledge may increase a witness's likelihood of making an identification that may be false. There are two acceptable circumstances where a show up is acceptable, when there is fear that the witness will not be alive by the time a lineup is assembled. Also police may use a show if a suspect is apprehended immediately at or near the crime scene.

Walk-by: This identification procedure occurs in a naturalistic environment. The police take the witness to a public location where the suspect is likely to be. Once the suspect is in view, the witness is asked whether he or she sees the perpetrator.

Lineup biases

Lineup bias By definition suggest who the police suspect and thereby who the witness should identify. In some way, the suspect stands out from the other line up members in a biased lineup.

Estimator variable Research in Recognition memory

Witness Age: Older adults make similar correct identifications but fewer correct rejections than younger adults do.

Cross race effect: Phenomenon of witnesses remembering own-race faces with greater accuracy than faces from other races. Also know as the **other race effect** and **own race bias**. In a study of 500 participants they found that own race faces produced higher correct identifications and lower false positives than other face races.

Weapon focus: Is the term used to describe the phenomenon of a witnesses attention being focused on the perpetrators weapon rather than on the perpetrator. Two primary explanations are arousal and unusualness.

Arousal- The **Cue-utilization hypothesis** suggests that when emotional arousal increases, attentional capacity decreases.

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Unusualness- Because weapons are unusual they attract the witness's attention. Because the witness is not paying attention to other details information does not get encoded.

Guy Paul Morin :

Wrongfully convicted of rape and murder of a young girl. This is an example of why Eyewitness and testimony can be dangerous.

- Improper Forensics; Hair analysis
- Expert misconduct: Overstatement of reliability techniques.
- Bad government; Fibre contamination at centre for forensic science, police tunnel vision.
- Jailhouse informants: Dean May "Pathological Liar"