

CAUSES LEADING TO WRONGFUL EYEWITNESS IDENTIFICATION

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INTRODUCTION

- Eyewitness misidentification occurs when a person wrongfully detects a perpetrator or an event that they witnessed.
- Eyewitness misidentification is the leading cause of wrongful convictions in America (Norris et al., 2021)



<https://primelegal.in/2020/12/28/sole-eye-witness-testimony-should-be-confidence-inspiring-and-beyond-suspicion-in-order-to-make-it-admissible-delhi-high-court/>

ESTIMATOR VS. SYSTEM VARIABLES

Estimator variables - Cannot be controlled by justice system:

- Lighting
- Distance
- Age
- Weapons focus
- Cross-racial identifications

System variables – controlled by justice system

- Line up procedures
 - Photo arrays
 - Officer behavior
- (Norris et al., 2021)



What to expect from "The innocence files," Netflix's New Documentary Series inspired by the innocence project. Innocence Project. (2020, June 16). Retrieved April 5, 2023, from <https://innocenceproject.org/netflix-innocence-files-documentary-series-bite-marks-wrongful-conviction/#:~:text=%E2%80%9CThe%20Innocence%20Files%E2%80%9D%20dives%20deep%20into%20three%20major,the%20misuse%20of%20eyewitness%20identification%3B%20and%20prosecutorial%20misconduct.>

Eyewitness identification reform. Innocence Project. (2020, December 17). Retrieved April 5, 2023, from <https://innocenceproject.org/eyewitness-identification-reform/>

FACTORS CONTRIBUTING TO MISIDENTIFICATION

False Memories

- The victim was weapon- focused from the crime
 - The witness was focused mainly on the weapon and not the suspect
 - Emotional distress
 - Trauma- Crime can cause memory distortion
- (Norris et al., 2021)



https://stock.adobe.com/vectors?mv=search&ef_id=76f0e7f8f0961efbc0e283d55ad37263%3AG%3As&s_kwid=AL%213085%2110%2179783515532556%2179783901520875&as_channel=sem&as_campclass=nonbrand&as_campaign=US%7CCPRO%7CStock%7CAWAR%7CVectors_BMM%7CBNG%7C%7C&as_source=bing&as_camptype=acquisition&ssid=KQPIE&as_audience=core

ANYRPG. (2023, January 30). Retrieved April 5, 2023, from <https://www.anyrpg.org/downloads>

Police Misconduct

- Suggestive conduct to influence witness identification of a particular suspect (Norris et al., 2021)

Cross Racial Biased

- Of the first 235 DNA exonerated cases in America, 41% of those wrongfully convicted are from cross-racial eyewitness identification (Norris et al., 2021).

IDENTIFICATION REFORM

Although there are many, some suggested ways to improve eyewitness identification include:

Sequential Lineups:

- Each suspect photo is viewed individually by the witness.
- Reduces possibility that witness is just selecting person that looks most like suspect out of the group (Norris et al., 2021)



brown, karen. (n.d.). "questioning the witness" – 3-part series on the flaws in eyewitness testimony and how Science can fix it – karen brown. favicon. Retrieved April 5, 2023, from <https://karenbrownreports.org/questioning-the-witness-3-part-series-on-the-flaws-in-eyewitness-testimony-and-how-science-can-fix-it/>

Stock vector images, graphics and royalty-free vectors. Adobe Stock. (n.d.). Retrieved April 5, 2023, from

Record of Eyewitness Procedure:

- Video recordings of the eyewitness identification procedure provides an accurate record of what took place (Norris et al., 2021).

Double Blind Lineup Procedure

- An officer without knowledge of the suspect conducts the lineup procedure.
- This helps reduce the possibility that the officer's actions may influence the process (Norris et al., 2021).

REFERENCES

Norris R. J. Bonventre C. L. & Acker J. R. (2021). *When justice fails : causes and consequences of wrongful convictions* (Second). Carolina Academic Pres.