The Confluence

Manuscript 1082

A Comparative Analysis of Eyewitness Testimony Accuracy: Victims Versus Bystanders

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A Comparative Analysis of Eyewitness Testimony Accuracy: Victims Versus Bystanders

The present study investigates potential differences in eyewitness testimony accuracy between victims and bystanders. Throughout decades within the American criminal justice system, eyewitness testimony has been a widely controversial topic and a crucial turning point in many cases. Research has been conducted to identify individual characteristics related to eyewitness testimony accuracy. A study administered by Rich and Goodfriend (2016) found that memory accuracy and age have a negative correlation; as age increases, memory accuracy tends to decrease. Additionally, the study concluded a positive correlation between consciousness and memory accuracy. These personal characteristics should be considered by criminal justice officials when assessing the accuracy of an eyewitness.

Although convictions based on inaccurate testimony can have detrimental effects, jurors are often influenced by eyewitnesses. Garrett et al. (2020) examined the influential factors of eyewitness testimony on jurors. They found that an eyewitness has more influence over the jury when the witness has high confidence during the initial identification procedure and in the courtroom. However, confidence does not equate to accuracy, and many researchers suggest that eyewitness memory is not consistently accurate (Wells & Turtle, 1987). Another factor that can alter eyewitness testimony accuracy is the misinformation effect. As discussed by Loftus (2019), the misinformation effect is when an individual's original perception of a detail is later altered. One reason an individual's original perception can be changed is the result of not fully encoding the event or object into their memory system. Additionally, perception of a detail can be altered if the witness has weakened the memory of the original detail by contemplating its authenticity. Research has conclusively found that eyewitness testimony is unreliable (Loftus, 2019).

Eyewitnesses may also identify a suspect in a lineup because the individual appears familiar to them, even if the suspect is innocent. Carlson et al. (2023) elaborated on this phenomenon by proposing a possible explanation: theories of unconscious transference. One theory of unconscious transference explained by Carlson et al. (2023) is when individuals mistake a bystander of a crime for the offender due to poor source retrieval. In the study by Carlson et al. (2023), subjects had an increased likelihood of misidentifying the bystander as the offender when the bystander was included in the lineup. The eyewitnesses' testimonies of the crime were inaccurate and demonstrated confusion between the bystander and offender. This highlights how individuals can mistakenly associate a familiar face with the wrong person, significantly impacting the reliability and accuracy of eyewitness testimony.

Facial recognition abilities hold strong precedence in eyewitness testimony accuracy and confidence. Individuals with greater abilities in facial recognition tend to show a strong positive correlation between their accuracy in identification and confidence (Berkowitz et al., 2020). However, for individuals with average to poor facial recognition abilities, the relationship is less consistent. As indicated by Berkowitz et al. (2020), individuals with poor facial recognition abilities who reported 100% confidence in their identifications are only approximately 60% accurate. While unconscious transference can facilitate the misidentification of familiar faces due to poor source retrieval, the inconsistency in individuals' facial recognition abilities adds to the complicated nature of eyewitness testimony accuracy.

In the United States, technology is rapidly growing, and its benefits can be reflected in the courtroom. Eyewitness testimony is often compared to video evidence, given the perceived notion that video evidence is reliable (Chew, 2018). Although the benefits of technology in the criminal justice system are obvious, there may be a threat to establishing validity of an eyewitness given the possibility of digital tampering of evidence. According to Maras and Alexandrou (2019), artificial intelligence and machine-learning applications can create fake videos and audio recordings by modifying and integrating multimedia elements. Anyone with access to the Internet has the ability to create fake digital media. Digital media forensic experts may not have enough resources or experience to identify the authenticity of fake media (Maras & Alexandrou, 2019). This poses a large challenge to the criminal justice system by diminishing the trust in digital evidence. Just as digital evidence is being used to validate eyewitness testimony, malicious use of technology may in turn require eyewitnesses to validate the digital evidence.

Eyewitness testimony is often utilized in the criminal justice system to establish facts and secure convictions. However, the deterioration of trust in digital evidence and the established lack of accuracy in human memory encourage a reevaluation of eyewitness testimony. Given that digital media may no longer be solely reliable to authenticate or augment eyewitness testimony, more studies examining the in-depth factors affecting eyewitness testimony are vital. Understanding more factors is essential to enhancing the accuracy and reliability of eyewitness testimony.

In a rare study, Kassin (1984) conducted an experiment investigating the accuracy of eyewitness testimony between victims and bystanders. Kassin (1984) grouped participants into pairs (victims and bystanders) and staged a crime. The participants were asked to individually complete a survey about the offender's physical description and rate their confidence in their responses and viewing of the crime. The participants were then given a photo lineup to select the offender. Kassin (1984) revealed that bystanders were slightly more accurate in describing

the offender when compared to victims; however, the results did not reach statistical significance. There was also no correlation between participants' identification accuracy in the photo lineup and their confidence in identifying the offender.

The present study was also designed to examine whether victims or bystanders are better able to provide accurate eyewitness testimony. While there is a large presence of research on witness characteristics correlated to eyewitness testimony accuracy, research regarding accuracy between victims and bystanders is relatively scarce. If the criminal justice system must continue to rely on eyewitnesses, it would be beneficial to know who is better able to provide an accurate account. Given the results by Kassin (1984) were inconclusive, this study was designed to reassess the research question: Is there a difference in eyewitness testimony accuracy between victims and bystanders?

I hypothesized that victims would have more accurate eyewitness testimony responses and intruder identification compared to bystanders. Additionally, I hypothesized a relationship between identification accuracy and confidence levels. To test these hypotheses, I used a staged theft followed by an eyewitness testimony survey and photo lineup. Participants were also asked to rate their level of confidence in their identification of the intruder from a photo lineup.

Method

Participants

A total of 37 undergraduate students (31 women, 5 men, and 1 gender-fluid individual) took part in this study. The ages of the participants ranged from 18 to 38, with a median of 20 years old. Individuals identified as White (27), Black (6), Hispanic/Latino (1), Asian (1), and mixed races/ethnicities (2). The top two majors indicated by participants were psychology (48.6%) and criminology/criminal justice (16.2%).

Data from a total of 7 participants were discarded because they indicated they had vision and/or memory impairments and/or because they did not identify with their witness category. Data from an additional 6 participants who knew the intruder were excluded from the primary analyses. A total of 24 participants' data (11 in the Victim Group and 13 in the Bystander Group) were kept for primary analyses. Data from the 6 participants who knew the intruder were added to the 24 participants, resulting in a total of 30 participants (15 in the Victim Group and 15 in the Bystander Group) for secondary analyses.

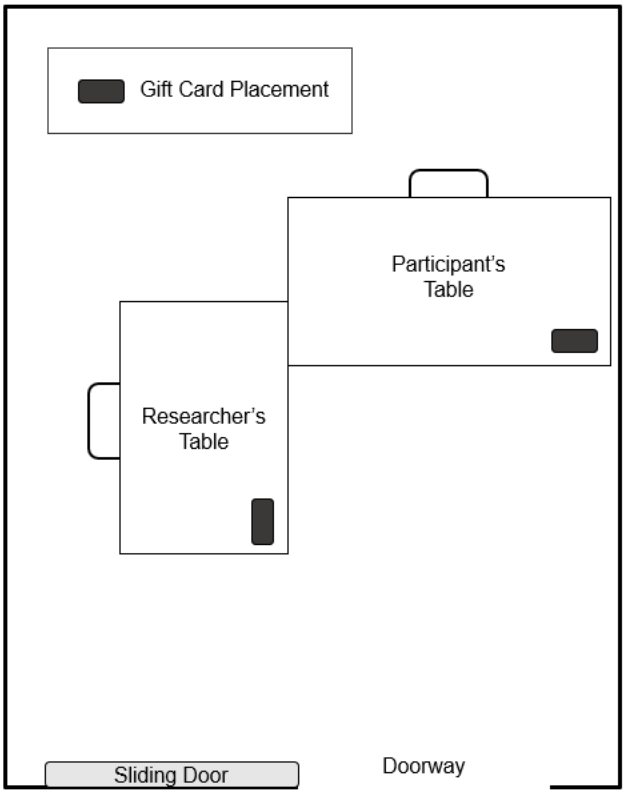
Participants were recruited through flyers posted around Lindenwood University, advertised through Fizz, Lindenwood Snapchat stories, and classroom presentations. Interested individuals were asked to scan the QR code on the flyer and select a date and time-slot to participate in the study. They were compensated with a $20 Amazon gift card for their time and effort.

Materials

Two research rooms from the Lindenwood Psychology Research Labs were utilized in this study. The room for testing the participant had two tables and two chairs. The testing room was arranged for one desk and one chair to face the entrance door, where the participant sat. The other desk and chair were set up perpendicular to the participant's table, forming a reversed L-shape.

Figure 1

Room Layout



Note. This figure represents the testing room layout used in the study. Room dimensions are approximate.

To create a scenario for the staged theft, two $20 Amazon gift cards were used. One gift card was placed on each table. The gift card on the participant's table was placed in the far corner on their left-hand side. The gift card on the researcher's table was placed on my far right-hand side (see Figure 1). Precautionary steps were taken to reduce the possibility of an altercation occurring between the intruder and participant. The arrangement of the furniture

ensured a safe distance between the intruder and participant, creating a barrier between them. A protocol was created in case the participant tried to stop the staged theft. However, no altercations between the participant and intruder occurred. The staged intruder is a 20-year-old Asian woman. She weighs 110 lb and is 5 ft 1 in. She has black hair and dark brown eyes. She wore a black hoodie with the hood pulled over her head, blue jeans, glasses, and white tennis shoes in all trials to maintain consistency in her appearance across all participants.

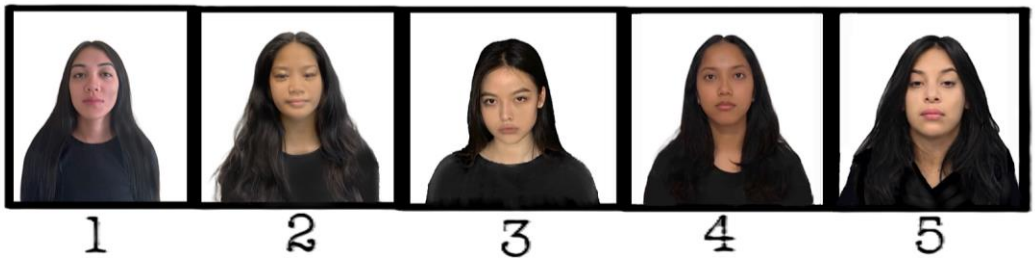
The second research room was used by the staged intruder. She stayed in this second room before and after the staged theft. The two research rooms were on opposite ends of the research lab to ensure that the participant did not see the intruder. The staged intruder and I followed scripts to maintain consistency in the staged theft scenario throughout all trials.

Participants were given an initial consent form and a demographic survey on an iPad. The consent form stated that the present study was testing memory accuracy in college students, specifically their ability to memorize a wordlist. There were two copies of the initial consent form: a printed version for the participant to keep and a digital version for me. The demographic survey asked the participants' gender, age, race/ethnicity, their major(s), and asked them to rate how good they thought their memory was compared to their peers' memory on a scale from 1 (*poor*) to 5 (*excellent*). After the participants completed the demographic survey, they were given instructions on the timed memory test, which involved memorizing a printed wordlist of 12 unrelated, common English nouns. A timer app on a cell phone was used to keep track of time.

A second consent form was administered to the participants on Qualtrics after the staged theft had occurred, revealing that the true nature of the present study was eyewitness testimony accuracy. Once the participant consented to continue with the study, an eyewitness testimony survey inquiring about the intruder's demographics, clothing, and belongings, as well as other aspects of the incident, was administered. To verify that the witness-type manipulation was effective, participants were asked whose belongings had been taken by the intruder. The survey also inquired if the participant had any vision impairments, memory impairments, and/or knowledge of who the intruder was (see Appendix A).

A photo lineup of potential intruders created using five physically similar individuals was given at the end of the survey (see Figure 2). To achieve similarity between the staged intruder and four foil photos, I used pictures of individuals that had the same skin tone, gender, approximate age, and physical traits, such as hair color and eye color, as the staged intruder. The participant was able to identify one person from the lineup or mark that the intruder was not depicted. The participant was also asked to rate how confident they were in their choice on a scale of 1 (*not confident*) to 10 (*very confident*).

Figure 2
Photo Lineup



Note. The staged intruder is depicted in Photo 2 above.

A printed debriefing statement was given to the participant once the survey was completed. The debriefing statement provided explanations about the deceptions used in the study. Additionally, facts were provided on the debriefing statement to educate the participant about eyewitness testimony. After the debriefing process, the participant was given their $20 gift card.

Procedure

Prior to beginning the study, the research assistant, disguised as the intruder, hid in a second research room before the participant entered the research lab. Using a between-subjects design, each participant was tested individually and discreetly assigned to either the Victim or Bystander Group in alternating order. When the participant arrived, they were seated at a table facing the door of the room. I sat perpendicular to the participant, as the tables were arranged in a reversed L-shape. Once the participant consented to the study, they completed some demographic questions on the iPad provided. While the participant was completing the demographic survey, the staged intruder exited the second research room she was hiding in and stood outside the testing room so she could hear what was going on but still remained out of the participant's sight.

After the participant completed the demographic questions, they were told they had 30 seconds to study a list of 12 words. They were informed that after the study period, they would be asked to verbally recall as many words as they could remember. After giving these instructions, I placed the wordlist face down in front of the participant. I then deliberately placed two $20 Amazon gift cards on the tables: one on the participant's table and one on my table. I inquired what the participant will buy with their gift card to reinforce that the gift card on the participant's table was theirs. Once the gift cards were placed, the participant was prompted to flip over the wordlist and review it for 30 s. After the time was up,

the wordlist was taken away from the participant, and they began to verbally recall as many words as they could from the list.

The participant's recalling of the first word served as a cue for the staged intruder to enter the room and commit the staged theft. The recall task was used as a foil to disguise the true nature of the study, which was to assess the accuracy of eyewitness testimony. When the intruder entered the testing room, she scanned the room, looked at the desired $20 gift card, and then briefly made eye contact with the participant and me. Then the intruder stated, "Give me that," grabbed the $20 gift card from the participant's table (Victim Group) or my table (Bystander Group) and ran back to the nearby research room she had hidden in beforehand. As the staged intruder ran out of the testing room, I shouted at the intruder that she had stolen the participant's gift card (Victim Group) or my gift card (Bystander Group) to reiterate whose belonging had been taken. The owner of the gift card was the independent variable in this study.

Immediately after the intruder exited the room, I verbally informed the participant of the true nature of my study, which was to examine the accuracy of eyewitness testimony. The participant was given the opportunity to ask questions and was provided with a second informed consent statement, which reiterated the true nature of the study. If the participant consented to continuing the study, they were given as much time as they needed to complete the eyewitness testimony survey. The amount of time between the intrusion and administration of the eyewitness testimony survey was roughly 1 to 2 min.

The survey consisted of questions inquiring about the characteristics of the intruder and the theft. A photo lineup was presented at the end of the survey on the iPad along with a confidence rating scale to investigate a potential relationship between the participant's identification accuracy and their confidence in their choice. The responses given by the participant in this survey were the dependent variables.

The participant was thoroughly debriefed after they finished the eyewitness testimony survey. The participant also met the staged intruder, who introduced herself as a student research assistant. The participant was debriefed on the deceptive techniques used in the study and received their $20 Amazon gift card as compensation. Any questions the participant had were answered at this time. The participant received the debriefing statement on paper to take with them and were requested not to discuss the true nature of the study with other individuals.

Eyewitness testimony accuracy was measured by comparing each participant's survey responses to an established answer key. Participants received one point for each correct response. No points were deducted for incorrect or omitted responses. The maximum possible accuracy score was 25 points.

Results

The results reported here exclude data from participants who were acquainted with the intruder. However, the second analysis under Intruder's Clothing was conducted including data from participants who were acquainted with the intruder.

Primary Analyses

Accuracy of Eyewitness Testimony

To assess whether victims or bystanders provide more accurate eyewitness testimonies, an independent *t*-test was conducted comparing the accuracy scores from the eyewitness testimony survey between the Victim and Bystander Groups. The results revealed no difference in eyewitness testimony accuracy between The Victim (n = 11, $\bar{x}$ = 9.55, s = 4.23) and Bystander Groups (n = 13, $\bar{x}$ = 9.62, s = 3.23), $t(22) = -0.05$, $p = 0.48$, $d = 0.02$.

Intruder Identification Accuracy and Confidence Level

The results of the chi-square analysis comparing identification accuracy of the Victim and Bystander Groups revealed no statistically significant differences between the two groups, X_1^2 (n = 24) = 0.51, $p = 0.11$. To test the relationship between confidence level and identification accuracy, a point-biserial correlation was used. The results indicated a weak positive correlation, $r_{pb} = 0.25$, $p = 0.25$.

Secondary Analyses

Memory for Intruder's Utterance

During the staged theft, the intruder stated, "Give me that," while grabbing for the gift card. The eyewitness testimony survey inquired whether the participant heard the intruder say anything during the intrusion. Only 6 out of 24 participants correctly indicated that they heard the intruder speak — all of whom were bystanders. A 2 × 2 chi-square test of independence revealed a statistically significant association between Group and memory for intruder's utterance, X_1^2 (n = 24) = 6.769, $p = .009$.

Intruder's Clothing

Participants were asked to describe the intruder's clothing and were allocated one point for each accurate descriptor with a maximum score of 10 points. These points were summed to generate a total accuracy score for each participant. Inaccuracy was measured similarly, with one point assigned per inaccurate descriptor of the intruder's clothing. An independent *t*-test comparing the clothing accuracy scores of the Victim (n = 11, $\bar{x}$ = 4, s = 1.73) and Bystander Groups (n = 13, $\bar{x}$ = 4.38, s = 1.76) indicated no statistically significant difference between groups, $t(22) = -0.54$, $p = 0.3$, $d = -0.22$. Similarly, no statistically significant difference was found in another independent *t*-test comparing clothing inaccuracy scores between the Victim (n = 11, $\bar{x}$ = 1.18, s = 1.17) and Bystander Groups (n = 13, $\bar{x}$ = 0.69, s = 0.75), $t(22) = 1.24$, $p = 0.11$, $d = 0.51$.

To examine potential differences given a larger sample, data from participants who knew the intruder were included in the following analyses.

Although these additional participants were aware of the intruder's demographics, they were unaware of her clothing, ensuring the integrity of the clothing identification results. An independent *t*-test comparing the accuracy scores between the Victim (n = 15, $\bar{x}$ = 4.40, s = 1.72) and Bystander Groups (n = 15, $\bar{x}$ = 4.67, s = 1.88) showed no statistically significant difference, $t(28) = -0.41$, p = 0.34, d = -0.15. Likewise, inaccuracy scores did not differ statistically between the Victim (n = 15, $\bar{x}$ = 1.07, s = 1.01) and Bystander Groups (n = 15, $\bar{x}$ = 0.60, s = 0.74), $t(28) = 1.37$, p = 0.09, d = 0.50. Despite including data from participants who knew the intruder, there were no differences in accurate or inaccurate clothing responses between the Victim and Bystander Groups.

Discussion

The purpose of the present study was to gain a better understanding of eyewitness testimony accuracy between two witness types: victims and bystanders. I hypothesized that the Victim Group would provide more accurate eyewitness testimonies compared to the Bystander Group. The results showed there was no difference in eyewitness testimony accuracy between the Victim and Bystander Groups, indicating that my hypothesis was not supported by the data. However, my results are consistent with the study conducted by Kassin (1984), similarly concluding no difference between the two groups.

Additionally, I hypothesized that the Victim Group would be more accurate than the Bystander Group at identifying the staged intruder in the photo lineup. My results did not support my hypothesis and indicated that there was no difference in identification accuracy between the Victim and Bystander Groups. Furthermore, the correlation between identification accuracy and confidence showed a weak positive relationship, meaning that as confidence increased, identification accuracy tended to increase slightly, but the connection was not strong.

The findings suggest that neither witness type gave more accurate than the other. Results may have differed if the Victim Group had felt a stronger emotional attachment toward the gift card, mirroring a more realistic scenario. Participants may not have felt a strong connection to the gift card due to the limited duration they possessed it. Six participants in the Victim Group did not perceive the stolen gift card as their belonging. These participants reported the stolen gift card as the "researcher's gift card" or "my soon-to-be gift card," indicating they did not feel personally attached to the stolen gift card.

An association between witness group and memory for the intruder's verbal statement was examined during secondary analyses. Findings revealed that most participants did not remember the intruder speaking during the staged theft, except for 6 bystanders who correctly remembered the intruder speaking. This may suggest a potential difference in memory between the Victim and Bystander Groups when recalling auditory stimuli.

Clothing identification was also measured in the secondary analyses. The results indicated that the Victim and Bystander Groups did not differ in their accuracy or inaccuracy when describing the intruder's clothing. Including data from participants that knew the intruder did not change these findings. This indicates that familiarity of the intruder does not help individuals remember the appearance of the intruder, specifically the intruder's clothing.

The present study faced various limitations that should be addressed in future research. One significant limitation was the level of emotional attachment that participants from the Victim Group felt toward their gift card. In reality, individuals feel victimized when personally valued items are stolen. Their emotional attachment to the stolen item may heighten victims' reactions and increase the accuracy of their testimonies.

To increase participants' sense of ownership of the stolen gift card, future research could implement modifications such as requiring participants to write their name on the gift card or spend some time having participants place items in a shopping cart in an online shop that they plan to buy with the gift card. These changes may increase participants' sense of ownership and attachment to the gift cards. Instead of stealing the participant's compensatory gift card, a personal item belonging to the participant (e.g., pencil case or keys) may reflect a more realistic sense of ownership during a staged theft.

Another limitation in this study was that some participants were acquainted with the intruder, which compromised the integrity of their eyewitness testimony. Since prior familiarity with an offender can influence identification accuracy and testimony, data from these participants were excluded from the primary analyses, reducing my sample size. Moreover, my sample lacked diverse demographics in terms of race, age, and gender, limiting the generalizability of the findings. Ensuring a larger and more diverse sample would improve the validity of the study.

A notable finding in this study was that only 6 out of 24 participants reported hearing the intruder speak during the staged theft, and all 6 were bystanders. This suggests that bystanders may be more receptive to auditory stimuli than victims, possibly due to differences in emotional arousal or attention. Interestingly, none of the six bystanders accurately indicated the intruder's exact words. Although the intruder's utterance was "Give me that," none of the participants reported it verbatim. Examples of responses from participants included "That's my gift card," "I need that," and "Give me the gift card". This finding aligns with the phenomenon in which individuals fill in gaps in their memory with contextually rational but false details (Loftus, 2005).

Future researchers could further explore the relationship between this phenomenon and schema theory by altering the dialogue of the intruder. Schema theory explains how individuals organize and interpret stimuli based on past

experiences, suggesting that our knowledge is built into mental frameworks or "schemas" (McVee et al., 2005). Schemas allow more efficient interpretation of new information. For example, if the intruder were to say something out of context rather than using demanding language, would participants report the unexpected utterance, or would they fabricate a demand that fits the context of the situation and their past experiences? This exploration could provide insight into schema theory in the context of stressful crime scenarios, particularly how individuals interpret and recall unexpected auditory stimuli under pressure. Additionally, such studies could provide knowledge of how eyewitnesses report auditory stimuli rather than visual stimuli in stressful situations.

My results represent a direct demonstration of eyewitness testimony accuracy between witness types through a between-groups design. The present study indicated there is no difference in eyewitness testimony accuracy between victims and bystanders; however, the topic should be further explored. By modifying the methodology to increase the Victim Group's attachment to the stolen item, ensuring the unfamiliarity of the intruder, and diversifying the sample tested. Future researchers can build on this study to enhance the validity and applicability of eyewitness testimony research.

This study contributes to the ongoing research regarding eyewitness testimony accuracy. It provides insight into the effects of witness types on eyewitness testimony and opens the door to new possibilities in understanding factors that influence accuracy. While no significant differences were found between victims and bystanders in terms of eyewitness testimony accuracy, the indication of memory for auditory stimuli suggests that further research needs to be conducted on auditory recollection between witness types. Given the importance that eyewitness testimony holds in the American criminal justice system, investigating and identifying factors that influence eyewitnesses remains a vital goal. By deepening our understanding of eyewitness testimony, researchers and practitioners can implement evidence-based practices to pursue justice in legal proceedings.

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Appendix A
Eyewitness Testimony Survey

Intruder's Description:
Answer these questions about the intruder's description to the best of your knowledge. If you are unsure, you can leave the answer box blank.

1. What gender did the intruder appear to be?
2. What is the approximate age of the intruder? (in years)
3. What race/ethnicity did the intruder appear to be?
4. What was the approximate height of the intruder? Please clearly indicate the unit of measurement. (format: "x" feet "x" inches OR "x" centimeters)
5. What was the approximate weight of the intruder? Please clearly indicate the unit of measurement. (format: "x" pounds OR "x" kilograms)

Intruder Characteristics:
Answer these questions to the best of your knowledge. If you are unsure, you can leave the answer box blank or mark "I don't know" on the multiple-choice questions.

6. What color was the intruder's hair?
7. What color were the intruder's eyes?
8. Did the intruder have any specific identifiers such as tattoos, facial markings, piercings, scars, etc.?
   - ☐ Yes
   - ☐ No
   - ☐ I do not know
9. List and describe the specific identifier(s):
10. In as much detail as possible, describe the intruder's clothing.
11. Did the intruder have any belongings with/on them when they entered the room?
    - ☐ Yes
    - ☐ No
    - ☐ I don't know
12. Describe everything you can remember the intruder having/holding when they entered the room.
13. Did the intruder say anything when the crime was occurring?
    - ☐ Yes
    - ☐ No
    - ☐ I don't know
14. What did the intruder say?

15. Did the intruder take anything?

- ☐ Yes
- ☐ No
- ☐ I don't know

16. What did the intruder take?

17. Whose belonging(s) was/were taken?