

Eyewitness Testimony

Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide, playing a role in more than 75% of convictions overturned through DNA testing. While eyewitness testimony can be persuasive evidence before a judge or jury, 30 years of strong social science research has proven that eyewitness identification is often unreliable. Research shows that the human mind is not like a tape recorder; we neither record events exactly as we see them, nor recall them like a tape that has been rewound. Instead, witness memory is like any other evidence at a crime scene; it must be preserved carefully and retrieved methodically, or it can be contaminated.

Variables impacting accuracy of identifications

Leading social science researchers identify two main categories of variables affecting eyewitness identification: estimator variables and system variables.

Estimator variables are those that cannot be controlled by the criminal justice system. They include simple factors like the lighting when the crime took place or the distance from which the witness saw the perpetrator. Estimator variables also include more complex factors, including race (identifications have proven to be less accurate when witnesses are identifying perpetrators of a different race), the presence of a weapon during a crime and the degree of stress or trauma a witness experienced while seeing the perpetrator.

System variables are those that the criminal justice system can and should control. They include all of the ways that law enforcement agencies retrieve and record witness memory, such as lineups, photo arrays and other identification procedures. System variables that substantially impact the accuracy of identifications include the type of lineup used, the selection of “fillers” (or members of a lineup or photo array who are not the actual suspect), blind administration, instructions to witnesses before identification procedures, administration of lineups or photo arrays, and communication with witnesses after they make an identification

One method of conducting a line-up which numerous researchers have proven can lead eyewitnesses to identify innocent people as criminals are photo line-ups. In photo line-ups witnesses are shown several photos of similar looking people and ask to choose from a suspect from the photos. Research by one psychologist Gary Wells at the University of Iowa State found that when witnesses were shown a photo line-up including the real suspect only 55% of witnesses chose the correct person. Disturbingly, when shown a photo line-up where the suspect photo was not included, 68% of witnesses still chose a suspect and of those 68%, 55% chose the same person. It was almost as if people had preconceived notions of what they believed a criminal should look like.

Instruction Card
A LESSON ON
EYEWITNESS TESTIMONY

A security camera was able to photograph a suspect as he fled the scene. You will view the photo for 15 seconds. You will wait for one half hour minimum. You will view the photo line-up to attempt to identify the suspect.

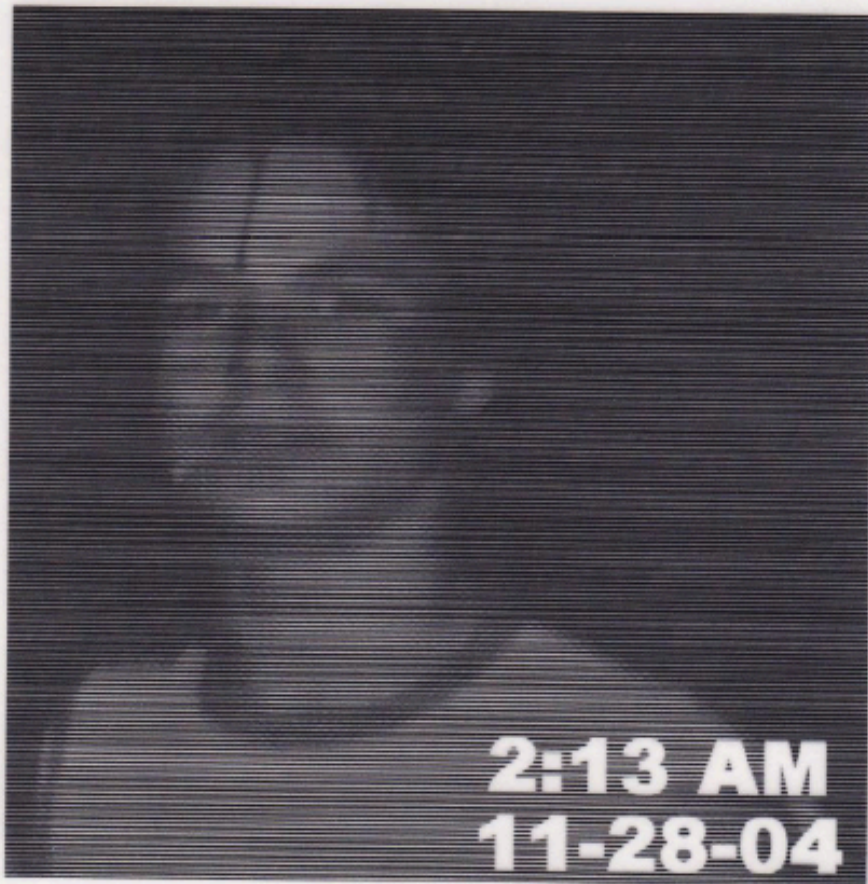
Procedure:

1. You will be able to view the crime scene photo for 15 seconds.
2. Return the crime scene photo.
3. Record your name and the time you viewed the photo on the sign in sheet at the photo station.
4. You must wait at least 30 minutes.
5. After 30 minutes you may view the photo line-up (pictures below).
6. Identify the suspect in your project booklet and return the suspect photo line-up.
7. Answer the questions.

Photo Line-up

Police Department: Identification Office

Confidential
Investigation Use Only



Security Camera 4

Surveillance Photo

Police Department: Identification Office



1

A



2

B



3

C



4

D

Confidential
Investigation Use Only