

Eyewitness Testimonies in North America: The Contributing Factors of Wrongful Conviction

Kyle D'Antonio

Introduction

This project focuses on eyewitness testimonies and the inaccurate science behind wrongful convictions. Despite their frequent level of use, an overwhelming amount of wrongful convictions are the result of eyewitness misidentification. The objective of this project is to increase the overall awareness among criminal law practitioners, regarding the issues relating to the use of eyewitness evidence.

Background

According to the Innocence Project, of their first 225 exonerations of wrongfully convicted individuals in the United States, 77% were based on mistaken or inaccurate eyewitness testimonies (Shermer, Rose, & Hoffman, 2011). In light of these findings, it is important that research is conducted to better understand eyewitness credibility and the root causes of wrongful convictions. There are many different aspects behind inaccurate eyewitness testimonies, yet they all have a detrimental impact on all parties involved. With the assistance of scientific research, the validity of eyewitness evidence has finally been questioned. This research has discovered great flaws in eyewitness testimony and how the implications of human error can have a catastrophic impact on the outcome of a case.

Methods

This research project used a critical appraisal to carefully and systematically assess current research relating to the topic. The literature search was conducted using the Justice Institute of British Columbia's library system. The initial search obtained approximately two thousand articles. Based on the high volume of articles retrieved, the search was refined by limiting the results to peer reviewed scholarly articles, articles that included full text, and articles published between the year 1999 to present. The searches then became even more specific by using secondary terms that allowed the researcher to categorize the literature into different folders based on common themes.

Results/Findings

Four themes were discovered from the research as contributing factors for wrongful convictions. These themes included:

- Memory

Variables such as time delay and stress have an impact on how the brain encodes information.

- Perception and Bias

Witnesses decisions can often be influenced by internal bias and cultural lens.

- Police Procedure

During the investigation process, poor police practice can negatively influence the decisions of eyewitnesses.

- Juror Knowledge

Jurors and judges generally have little to no knowledge on the credibility of eyewitness evidence and are more likely to believe witnesses who display high levels of confidence.

Discussion

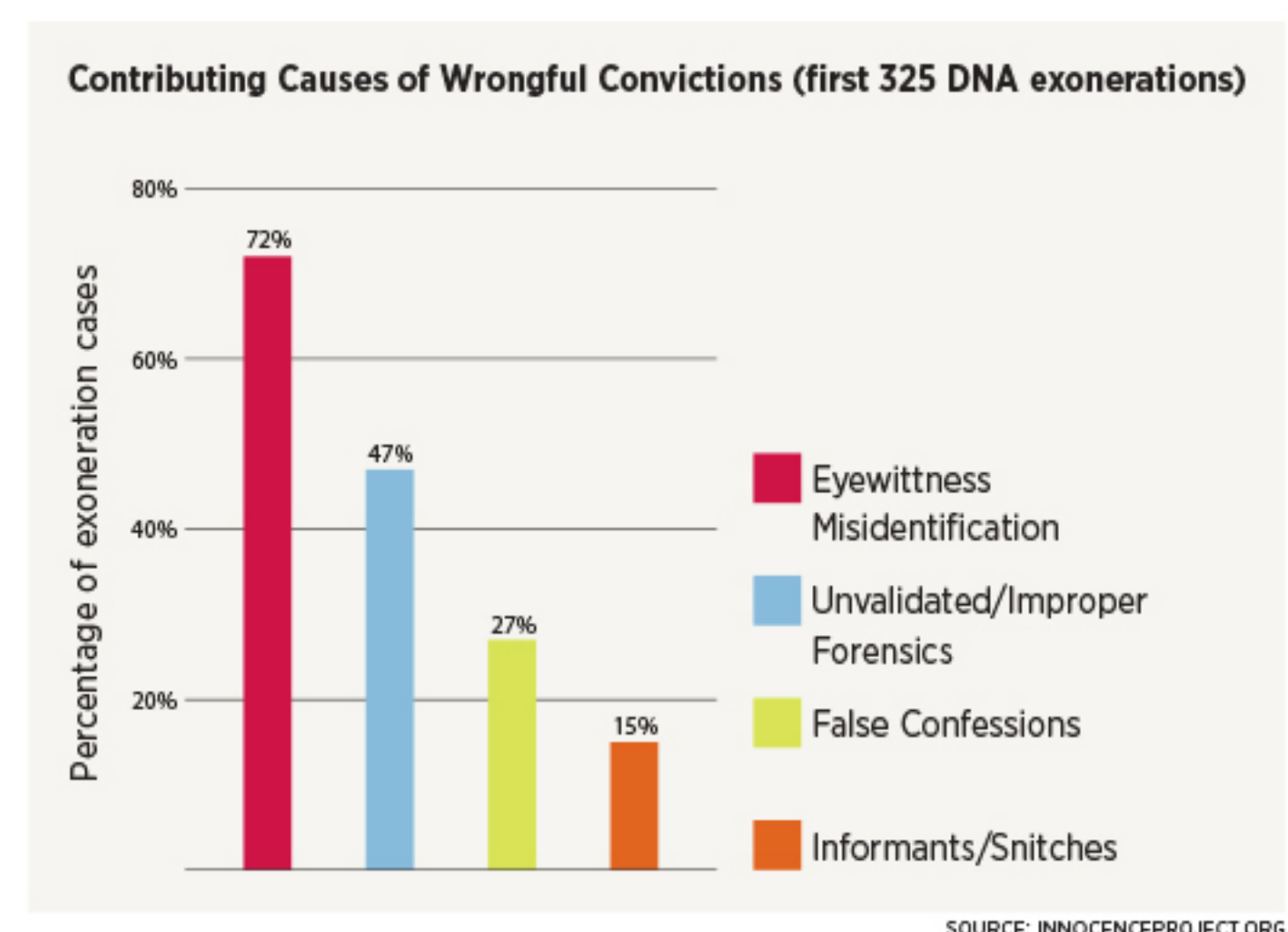
This research concluded the criminal justice system in North America places a large degree of trust and credibility in eyewitness testimonies (Leinfelt, 2004). It has been shown through scientific research that a variety of factors can have an effect on the credibility of eyewitness evidence. More specifically, it has been argued that a witness's memory, their perceptions and biases, the knowledge of the jury, and the practices of law enforcement agencies, all have the ability to influence the accuracy in an eyewitness testimony. Despite the high number of innocent people being wrongfully convicted, eyewitness identification remains among the most commonly used and compelling evidence used in the prosecution of criminal defendants (Shermer, et al., 2011). Given this information, it is important to create awareness to the issue by informing criminal law practitioners.

Conclusion & Recommendations

The findings from this research suggest several conclusions and recommendations. These recommendations include:

1. Educate judges and jurors on the accuracy of eyewitness testimony.
2. Educate judges and jurors on the accuracy of memory and its ability to be influenced.
3. The "Double-blind" Procedure / Use of a blind photo Administrator.
4. Have lineup administrators document the witnesses' level of confidence in their decision.
5. Reform photo lineup procedures (sequential presentation, effective use of fillers, cautionary instructions).

The research shows that eyewitness misidentification is the greatest contributing factor to wrongful convictions. Despite growing research into the inaccuracy of eyewitness testimony, this traditional method remains among the most commonly used forms of evidence (Innocence Project, 2019).



References

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