

Educating jurors about eyewitness testimony in criminal cases

Eyewitness error is the leading cause of wrongful criminal convictions. One in three eyewitnesses identifies an innocent person. Jurors and legal professionals have limited knowledge of factors affecting eyewitness accuracy, and have trouble applying such knowledge to a case. They also tend to rely on poor predictors of accuracy such as the eyewitness's confidence at trial. We developed an educational aid based on Wise's Interview, Identification, Eyewitness Factors (I-I-Eye) method which helps jurors and legal professionals assess eyewitness accuracy. Our paper reported the results of two experiments. Both showed that participants who learned about the I-I-Eye method could distinguish between strong and weak eyewitness evidence even when the cases contained other evidence of the defendant's guilt.

Interview-Identification-Eyewitness Factors (I-I-Eye) Method

The I-I-Eye method instructs jurors to follow three steps in evaluating eyewitness testimony. First, they evaluate how law enforcement conducted the eyewitness interviews. For example, did the police ask leading questions, which can alter the eyewitness's memory of the crime and perpetrator? Second, jurors evaluate how law enforcement conducted the identification procedures in the case. For example, did the police inform the eyewitness that the perpetrator may not be in the lineup, so that not making an identification is a reasonable option? Third, jurors evaluate how the eyewitness factors at the crime scene likely affected eyewitness accuracy. For example, did the perpetrator wear a disguise or use a weapon, which can impair eyewitness accuracy? For each of the three steps, jurors are provided with relevant information about assessing eyewitness evidence.

Experimental Procedures

The experimental participants viewed 24 PowerPoint slides for 15-minutes to learn about the I-I-Eye method. The control participants viewed 24 PowerPoint Slides for 15-minutes about the duties of a juror. Next, the participants read one of two 27-page trial transcripts about the murder of a store clerk with either strong or weak eyewitness testimony. In the strong case, the police followed scientific procedures for conducting the eyewitness interview and identification procedures, but in the weak case, they did not consistently follow scientific procedures.

In Experiment 1, in addition to the eyewitness evidence we included circumstantial evidence of the defendant's guilt, such as the defendant having clothing in his apartment that matched the eyewitness's description of the perpetrator's clothing. In Experiment 2, we added the testimony of a forensic examiner, who testified that the blood specks on the clothing in the defendant's apartment had a high probability of matching the victim's blood.

Results

There were 186 participants in Experiment 1 and 247 participants in Experiment 2. In Experiment 1, 55% of the I-I-Eye participants who read the strong case found the defendant guilty compared to

33% who read the weak case. In Experiment 2, 59% of the I-I-Eye participants who read the strong case found the defendant guilty compared to 31% who read the weak case. Thus, verdicts for the I-I-Eye participants indicated that they were sensitive to the quality of the eyewitness information in the cases. In contrast, verdicts for the control participants indicated that they could not significantly distinguish between the strong and weak eyewitness cases. See Table 1.

	<u>Group</u>	<u>Strong</u>	<u>Weak</u>
Experiment 1	I-I-Eye	55%	33%
	Jury Duty	39%	47%
Experiment 2	I-I-Eye	59%	31%
	Jury Duty	53%	51%

Tab. 1. Mean percent guilty verdicts for the I-I-Eye and Jury Duty groups in the strong and weak eyewitness cases in Experiments 1 and 2.

Conclusion

The basics of the I-I-Eye method appear relatively easy to learn. The I-I-Eye aid sensitized participants to the eyewitness testimony. That is participants were more likely to find the defendant guilty when eyewitness conditions were good and less likely to find him guilty when the eyewitness conditions were poor. In contrast, other attempts to educate about eyewitness testimony generally makes participants skeptical of both accurate and inaccurate eyewitnesses. The I-I-Eye method may assist legal professionals, as well as jurors, in making more accurate assessments of eyewitness evidence.

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