

EYEWITNESS TESTIMONY - UNRELIABLE EVIDENCE?

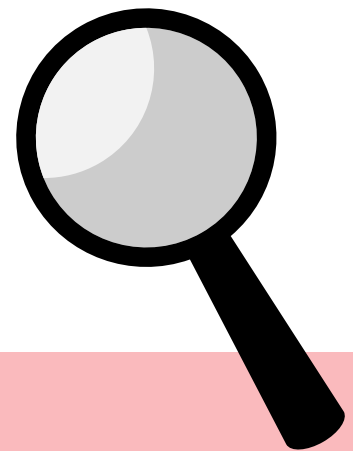
OBJECTIVE

TO DEMONSTRATE THE UNRELIABILITY OF MEMORY RECALL IN EYEWITNESS TESTIMONY

CONCEPTS EXPLORED

MEMORY RETRIEVAL AND BIASES BASED ON GROUP PROCESSES
REAL-WORLD LINK TO THE JUSTICE/LEGAL SYSTEM

AGE GROUP: 10-12 YEAR OLDS
DURATION: APPROXIMATELY 30-45 MINUTES



MATERIAL REQUIRED

ACCESS TO A DEVICE THAT CAN BE USED TO VIEW TEACHING MATERIAL
(YOUTUBE VIDEOS)

A PEN AND PAPER

ACTIVITIES

ACTIVE ROLEPLAY AS A DETECTIVE - STUDENTS ARE EXPOSED TO SHOPLIFTING INCIDENTS AND ASKED TO IDENTIFY TWO SUSPECTS IN A LINE UP BY RECALLING FEATURES FROM THE VIDEOS

REFLECTING ON THESE ACTIVITIES HELPS ARRIVE UPON UNDERSTANDINGS OF FACTORS THAT CAN BIAS MEMORY RECALL

OVERVIEW

Eyewitness testimony is used to identify perpetrators of crimes, however, it might not be as reliable as we think it is.

Details of memories recalled can be wildly inaccurate, even when we are convinced they are correct. The process of misremembering events or features of a suspect can be influenced by several factors.

KEY TERMS

Biases in psychology describe the tendency to choose one option over the other at a disproportionate frequency. Our brains use biases as shortcuts to make quick decisions. This can be as simple as knowing that you like chocolate ice-cream more than vanilla ice-cream and taking less time to decide what you want at the store.

Memory retrieval refers to the brain's ability to extract information from events that have already happened.

THEORY

To explore the idea of faulty memory retrieval in eyewitness testimony, biases in facial recall will be considered.



The way we form **groups** can bias our memories – we belong to groups that we share traits, characteristics, and values with – these are called in-groups (the groups we are **in**)

In-groups are described in opposition to out-groups (groups that are **outside** of our in-groups)

An example of this is the football team you are playing in (in-group) vs the opposing team (out-group)



BIASES IN RECALL

An own-group bias helps our brains remember faces that we share characteristics with (in-groups) more easily than faces that belong to out-groups (Corenblum and Meissner, 2006).

Examples of this include:

Own-age bias: we can tell apart faces of people in our own age group more accurately than those from other age groups (Rhodes and Anastasi, 2012).

Own-gender bias: we are better at telling apart faces of our own gender than faces of another gender (Wright and Sladden, 2003)



These biases suggest that identities play an important role in how accurately eyewitnesses recognize suspects of a crime in a line-up – we might be more likely to misremember features if the suspect is from an out-group.

ACTIVITY



VIDEO 1

Introduce the roleplay situation to the student – they are playing a detective visiting a shopping mall when they witness the events in the video.

(<https://youtu.be/9WyQDKNWonI>)

Once they witness the shoplifting crime, present the first line-up, **Image A**.

Ask the student if they can identify the suspect from the video in this line-up. They can record their response on a piece of paper. Let them know that a second video will be played before the answer is revealed.

VIDEO 2

<https://youtu.be/mgEsx1y5gqs>

Play this video until 1:15, the audio can be muted as long as the events are easy for the student to follow.

As this plays, the instructor should emphasize the features of the suspect that might be important to think about.

Present the second line-up, **Image B**, and ask the student to see if they can identify the suspect this time.

IMAGE A - LINE-UP OF SIX WOMEN PRESENTED WITH VIDEO 1

Can you identify the suspect in this line-up?



IMAGE B - LINE-UP OF SIX MEN PRESENTED WITH VIDEO 2

Can you identify the suspect in this line-up?



ACTIVITY

REFLECTION

Once the student writes down their choice discuss the features that they remember from the videos – what clothes were the suspects wearing? What did their hair look like? What items did they steal?

Then reveal to the student that these were trick line-ups! Neither suspect was present in the line-up!

This is shocking! Ask the student about how certain they felt when they wrote down their guesses on paper – in the real world, they might have sent an innocent person to jail!

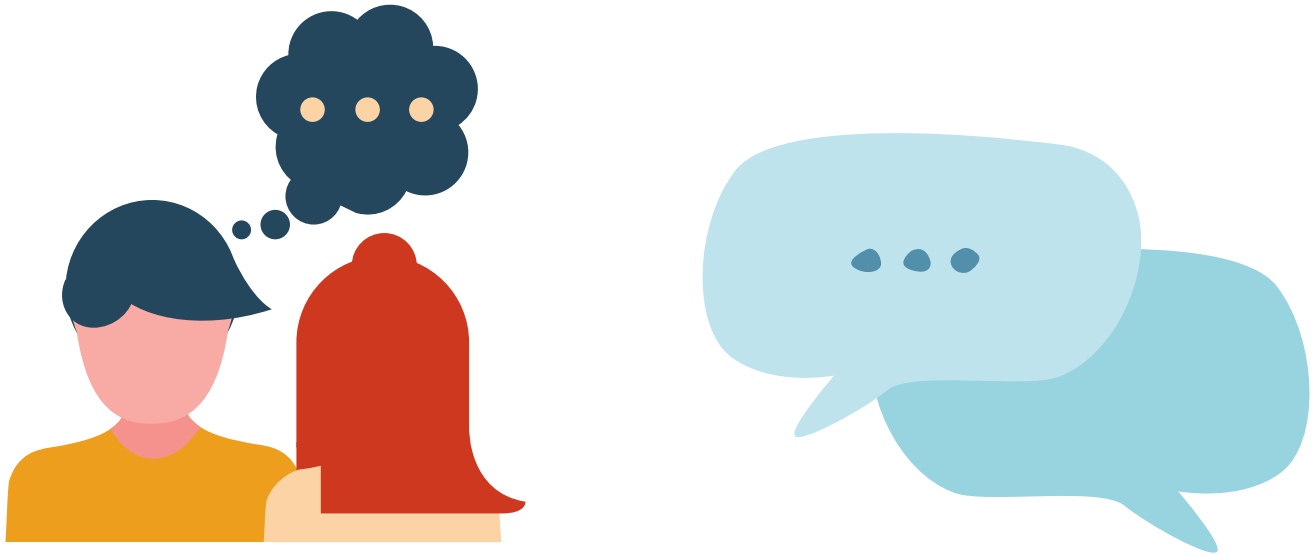
What would happen if they used faulty testimony in a real court?

Consider discussing this example of wrongful conviction using eyewitness testimony.

(<https://www.theguardian.com/uk/2009/aug/18/eyewitness-evidence-wrongful-conviction>)



DISCUSSION POINTS



Now that the student knows eyewitness testimony can be unreliable, the concept of biases in memory recall can be explored. After explaining the influence of group characteristics, draw attention to the idea of a gender bias – how did this affect their line-up selections?

- In general, were there characteristics shared between the suspects and the student?
- Were any of the features of the suspect that the student recalled particularly important to the student?
- Are these features apparent in the people around them?

If they identify relevant features – how much did focusing on one feature cause them to select a specific person in the line-up?

DISCUSSION POINTS

This is a good time to point out that during the activity the students were drawing on their own characteristics and features to choose a suspect!

This has implications for eyewitness testimony, where you are likely seeing someone for the first time and could potentially misremember their features if you have fewer shared in-group characteristics.



DISCUSSION: EXTENSION

THE LEGAL SYSTEM

Strategies the legal system might choose to employ to increase the reliability of eyewitness testimony (Wells, Memon, and Penrod, 2006) include:

- Pre-line up instructions – telling the eyewitness that the suspect isn't in the line-up
- The selection of similar fillers/distractors for the line-up



Link to the activity:

- There were no images of the suspects in the line-up, and without making this apparent, the student falsely identified the suspect.
- Individuals in the line-up were similar in race, gender, and general appearance to the suspect.

How much did these choices affect how the student picked suspects in the line-up? Would such strategies be effective in the legal system?

REFERENCES

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