



Hello Everyone! My name is William, but you can just call me Will. Today I will be talking to you about eye witness testimony and identification. So let's get straight into it!

Call 911 someone is
being
assaulted over here!!!
The criminal is getting
away.



I did, I will
provide eye
witness
testimony.

I'm down, I
repeat
I am down.
Did anyone
get a good
look at my
attacker?





How terrible that a crime took place.

To make sure the most accurate and foolproof identification is made let's go over some information that we know will make the eye witness better.

WELLS, G. L., & OLSON, E. A. (2003). Eyewitness testimony. *Annual Review of Psychology*, 54(1), 277-295. <https://doi.org/10.1146/annurev.psych.54.101601.145028>

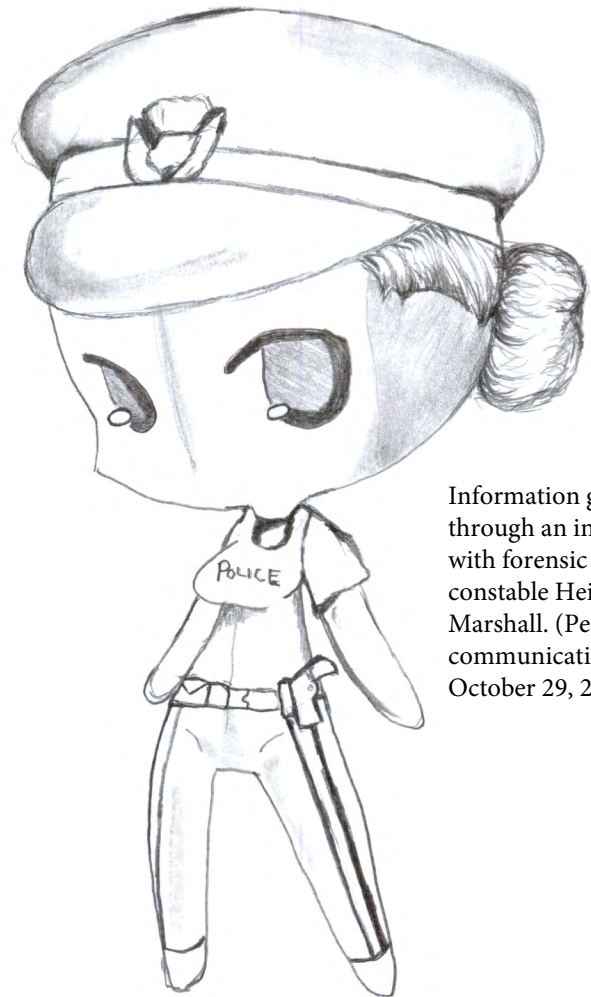
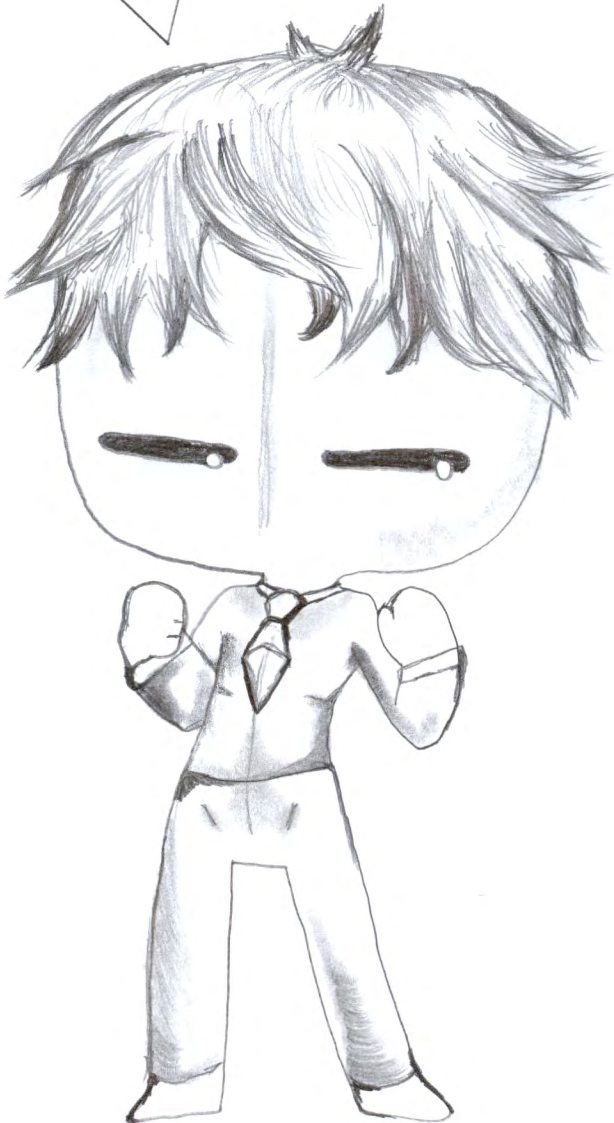
Being an eye witness can mean helping out an investigation in different ways. Some common ones people might already know are:

- Picking someone from a lineup.
- Working with an artist to do a composite sketch.
- Testify on the stand in an actual court trial.

The procedure of a lineup consists of a criminal suspect is placed with other people and shown to the eyewitness to see if the witness can identify the suspect as the criminal in question. (Wells, 2003)

To conduct the interview let's bring in an expert. Let me introduce you to Constable Heidi Marshall a certified forensic artist who has worked across Canada for the RCMP since 2005. She will explain some of her techniques as well as do a composite sketch off of the eye witness testimony.

It's a pleasure to meet you all! I'm here to walk you through some of my techniques when dealing with eye witnesses.



Information gathered through an interview with forensic artist constable Heidi Marshall. (Personal communication, October 29, 2019)

Fun Facts about Heidi:

- Once an RCMP took a 1 week long composite art class under an American company called Stuart Parks.
- Started in basics but then learned how to draw different ethnicities.
- Learned image modification, which is knowing how to add weight or take it away, along with extra effects like drugs and alcohol.
- Knows how to do age progression of children to adults, which is a lot more difficult in children due to their skull. An example is taking a picture of a missing child and drawing them older so that people might see what they might look like today.
- Facial reconstruction drawing after someone has suffered a serious injury.
- Over the course of 17 years she does at least 1 course per year. (Estimated 6,000 hours of training)
- Certified in child investigation and interviewing.

Hello, today I am going to start off with a 1-2 hour interview so that I can gather details before doing the composite drawing. Later I will start doing video taping and audio of the interview while following up with a synopsis. The first interview will be a pure statement from you which is extremely important and consists of you talking without any interruptions. From your statement I will highlight points that stand out to me and then later on we will go back over them. Overall there will be two separate interviews. Please feel free to include other senses like sound, smell, and behavior.

RUMP



Information gathered through an interview with forensic artist constable Heidi Marshall. (Personal communication, October 29, 2019)



Using your statement I will make the drawing as you saw it, thus making a drawing of your memory not a person. Proportions are the most important thing, rather than specific features. Using stereo types as a technique can also be very important for identification.

Now that the drawing is done I will go back to the eye witness and use a scale of 0-10 of how close the sketch looks to their memory (not the person). There is no pressure to get to 10 but the goal is to get as close to it as possible. So I will go back to the sketch multiple times till we get as close as we can.

All throughout North America other sketch artists say do not do an interview. However since I am RCMP I am an investigator first and can gather other information through my interviews. Being RCMP or artist is only half of my job but I need them both to be inclusive.

Basic Knowledge

There are three stages in memory processing: encoding, storage, and retrieval. Memory errors can occur at one, two, or all three stages.

Eyewitness error is the leading cause of wrongful convictions. (Wise, 2020)

One of the most common problems is that of suggestibility, where one study found that adults can be more effected by suggestibility then children.(Otgaar, 2018)

Eye witness suggestibility: the tendency of eye witnesses to be easily influenced by suggestibility.

Three explanations for the suggestibility effect:

- Misinformation acceptance- this is the process in which participants guess or respond in a way they think the questioner wants them to respond.
- Source misattribution- participants recall both the experiences detail and the suggested detail but cannot remember how each detail was learned, and sometimes inaccurately attribute the suggested detail to the experience.
- Memory impairment- the misinformation impairs participants' ability to remember the experienced details.

Otgaar, H., Howe, M. L., Merckelbach, H., & Muris, P. (2018). Who Is the Better Eyewitness? Sometimes Adults but at Other Times Children. *Current Directions in Psychological Science*, 27(5), 378-385. <https://doi.org/10.1177/0963721418770998>

Common causes for decrease in accuracy for witnesses

- Post-event information effect: memories can easily be contaminated by information encountered after witnessing an event. Memories also decay over time, and the details of information fade gradually, even if events are emotional.
- Passage of time: recall drops off as time passes
- Misleading information: subtle variations in wording or subtle suggestions implanted in a question or statement about an event can result in substantial variation in the eyewitness's recall of the event.
- Information acquired before and after the event influences what we report remembering about the target event.
- Weapon focus effect: The phenomenon whereby a witness's memory for details is impaired by the presence of a weapon. When a weapon, such as a knife or gun, is present, eyewitnesses narrow their attention and focus more on the weapon than on other aspects of the situation, including the physical characteristics of the event and the perpetrator.



Roesch, R., Zapf, P. A., Hart, S. D., & Connolly, D. A. (2014). *Forensic psychology and the law: A Canadian perspective*. Toronto, Ontario: John Wiley & Sons Canada, Inc.

Wise, R., & Kehn, A. (2020). Can the effectiveness of eyewitness expert testimony be improved? *Psychiatry, Psychology, and Law*, 27(2), 315-330.

The Interview-Identification-Eyewitness Factor (I-I-Eye)

The I-I-Eye is used as a method for analyzing eyewitness accuracy to help jurors and legal professionals assess eyewitness testimony. (Wise, 2020)

The idea behind this method is to help jurors apply their knowledge of eyewitness factors to the case that they are apart of. By giving a base of knowledge to draw on, it should improve the effectiveness of eyewitness expert testimonies because jurors can better access them.

There are four steps:

- First, it is determined whether the eyewitness interviews were properly conducted by assessing law enforcement. (Example: Did the interviewer establish rapport?)
- Second, quality of identification procedures is evaluated. (Example: Did the lineup only have one suspect?)
- Third, assuming there was no bias, how was the interview conducted?
- Fourth, general questions are answered to determine witness accuracy.

It not only helps jurors identify and organize the different kinds of eyewitness factors in a case, but it also provides them with a framework for applying them to a case.

In one study, the I-I-Eye method increased participants' ability to differentiate the strong from the weak eyewitness case. (Wise, 2020)

Wise, R., & Kehn, A. (2020). Can the effectiveness of eyewitness expert testimony be improved? *Psychiatry, Psychology, and Law*, 27(2), 315-330.

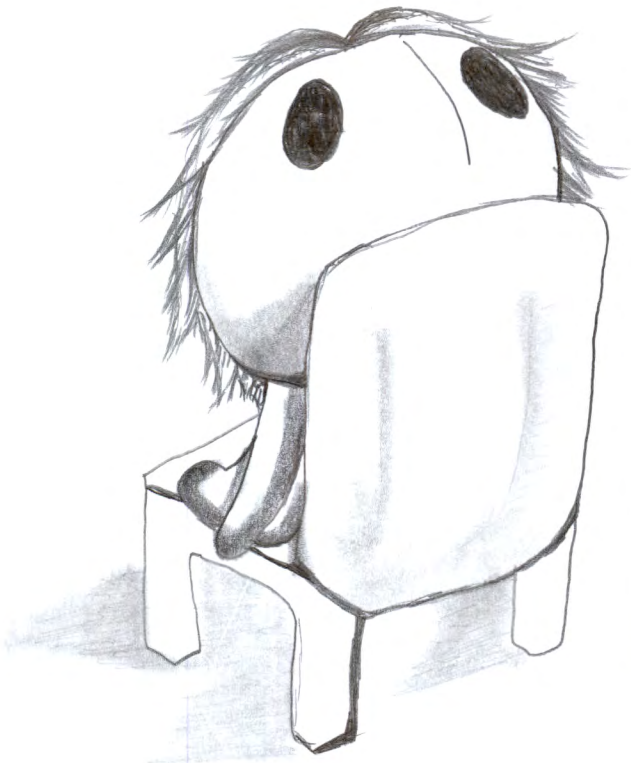
Tips About Line Ups

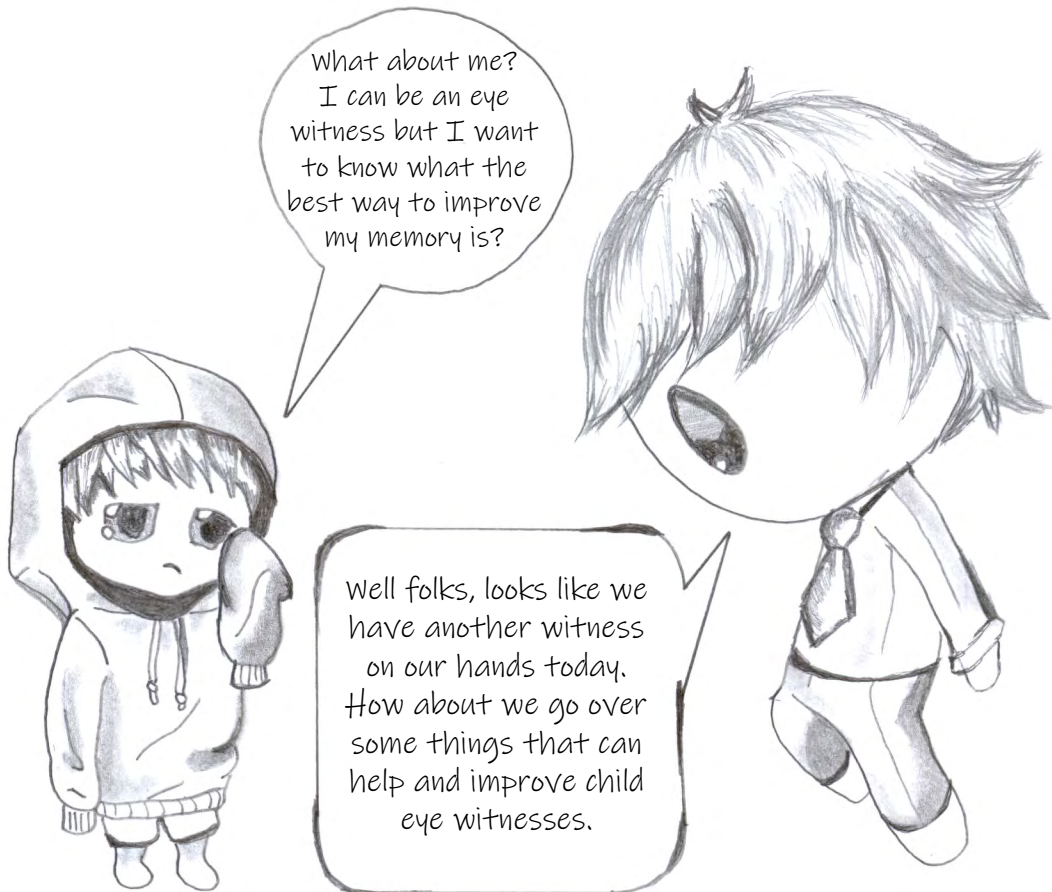
It is important that they are double blind, meaning that both the witness and investigator do not know who the real suspect is and who are innocents.

Sequential lineup: only one suspect appears at a time and not all at once in a group. Which forces the witness to compare off of their memory and not the other suspects in the line.

Blank lineup: a lineup in which every member is known to be innocent of the offence in question.

Using a these techniques will lead to stronger eye witnesses.





The concept of closing one's eyes to help yourself concentrate has been around for a long time, but one study actually explored this idea in child eye witnesses. The purpose of this study was to examine children's long-term and immediate memory to see if there was a significant difference caused by if the participant had their eyes open or closed. This was done to explore different interviewing techniques in children eye witnesses and learn what could help give more accurate information in the field of forensics. Specifically it was to look more into part of the cognitive interview technique. The conclusion to the study found that the results showed an increase in memory accuracy with the eyes closed. This was found to be the case for both immediate memory recall and long-term memory, showing that the advantage of eye closure did persist over time. There was enough of a significant difference between eyes closed and eyes opened to come to a solid conclusion about the data. If accuracy can be improved then it lowers false eye witness testimony and helps to prevent false convictions.



Natali, V., Marucci, F. S., & Mastroberardino, S. (2012). Long-Term Memory Effects of Eye Closure on Children Eyewitness Testimonies. *Applied Cognitive Psychology*, 26(5), 730-736. <https://doi.org/10.1002/acp.2853>

Milne, R., & Bull, R. (2002). Back to basics: A componential analysis of the original cognitive interview mnemonics with three age groups. *Applied Cognitive Psychology*, 16(7), 743-753.

Jack, F., Leov, J., & Zajac, R. (2014). Age-related Differences in the Free-recall Accounts of Child, Adolescent, and Adult Witnesses. *Applied Cognitive Psychology*, 28(1), 30-38.



For child eye witness special care needs to be taken and those conducting the interview needs to have taken a specific child interviewing course.

It is now well documented that the main issue with regard to child witnesses concern errors of omission as opposed to commission. (Milne, 2002)

- Error of omission: mistake where a piece of information was left out.
- Error of commission: doing an additional action or reporting inaccurate information.

Under free-recall conditions, children typically report less information than adolescents and adults, although they are no less accurate. (Jack, 2014)

- Free-recall: interview technique where the witness describes what they saw at their own pace without any questions or interruptions from the interviewer.
- The main drawback to free-recall accounts is that they are often relatively brief. In order to elicit additional information, investigators often use increasingly specific questions.

Children's accuracy does tend to suffer, when more specific questions are asked.

One study done on child eye witness found that talking to a parent who is unfamiliar with what happened compared to a trained and knowledgeable interviewer who is familiar with the event may reduce the accuracy of memory. (Sun, 2016)

Giving parents misinformation about an event that their children experienced can cause errors in the children's testimony. (Poole & Lindsay, 2001)

What about adolescents?

Adolescents are shown to provide more overall information than children, but less information than adults.

Accuracy does not differ with age. Like children, adolescents could benefit from specialised interview techniques that help them provide more complete accounts.

Typically, the amount of information that individuals report increases with age in childhood and between childhood and adulthood, although accuracy remains high across age groups.

Age differences emerge because children report less information than adults across the three categories of behaviour, surrounding objects, and scenery. Whereas adolescents report less than adults about people and behaviour. (Jack, 2014)

I hope that
information helped
you learn and
improve your ability
to be a good eye
witness.

Thanks! Now I
know that
simply closing
my eyes can
improve my
memory.



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Out of all the interviewing techniques one of the best and most used is the Cognitive Interview, which uses a series of memory retrieval and communication techniques to improve recall during interviews.

Four memory enhancing components:

- (1) Report Everything (RE)- include everything in the report including seemingly irrelevant details.
- (2) WRC or Mental Reinstatement of Context- ask eyewitnesses to mentally place themselves back in the context of the crime event before stating all the details that they can remember about that event.
- (3) Change Temporal Order- reporting the event in a variety of orders.
- (4) Change Perspective- describe the event from a different spacial location.

Research has demonstrated that the (E)CI leads to a large and statistically significant increase in correct recall compared with a control interview which does not contain the four memory-enhancing components of the CI. (Smith, 2017)

- Open-ended questions
- Witness encouraged to speak slowly
- No unnecessary distractions/interruptions
- Witness reminded not to guess
- Attempt to reduce anxiety of the witness

The fact that none of the four CI techniques differ from each other with respect to the amount of recall gained, suggests that each of the techniques contribute equally to the CI superiority. (Milne, 2002)





The Self-Administered Interview (SAI)

Adopting the techniques of the cognitive interview (CI), the SAI was developed in the form of a booklet consisting of several parts. The unique aspect of the SAI is a sketch section that asks eyewitnesses to describe the context of an incident by drawing pictures. (Matsuo, 2017)

- Eyewitness completes themselves
- Write their memories in a booklet
- Questionnaire format
- Distributed to multiple eye witnesses at a scene simultaneously
- The questions in the booklet are already prepared and fixed
- Can review completed SAI and select potential eyewitnesses for the formal interviews.

The cognitive interview offers more flexibility in questioning, however the SAI can ask for witnesses to draw pictures and ask further questions about those pictures.

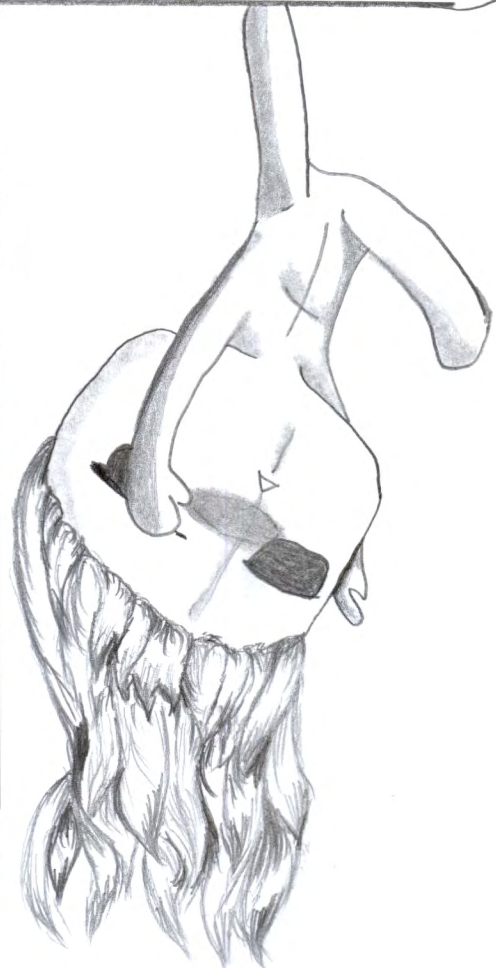
Fun Facts

Post-event information effect: Memories can easily be contaminated by information encountered after witnessing an event. Memories also decay over time, and the details of information fade gradually, even if events are emotional.

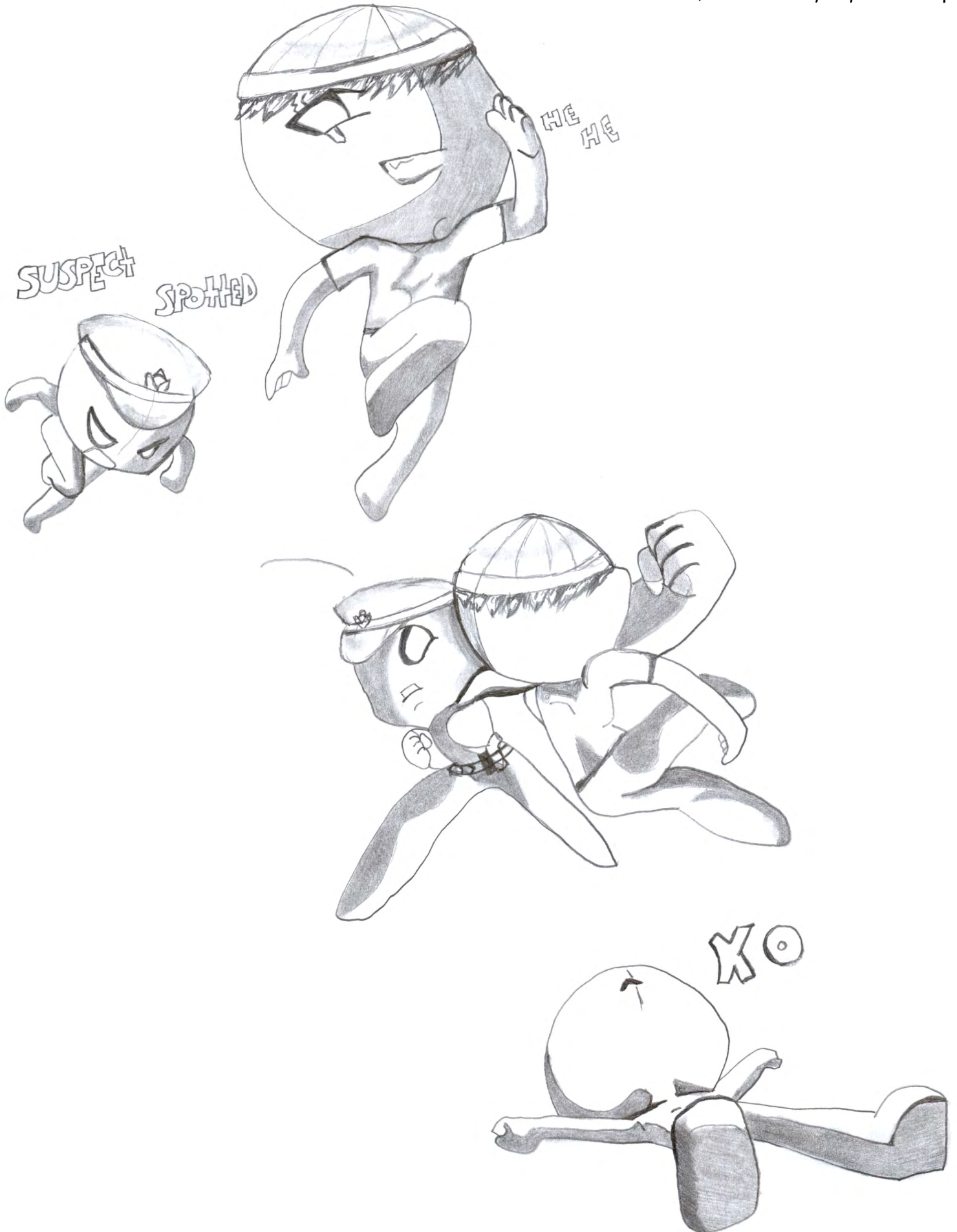
Own-race bias: the phenomenon whereby within-race identifications are significantly more likely to be accurate than cross-race identifications. (Meissner, 2001)

Unconscious transference: inaccurately attributing a face to a different context. (Buckhout, 1974)

Area of debate is the confidence of eye witness: research indicates that highly confident witnesses are persuasive with jurors. The problem, however, is that confidence is not necessarily related to accuracy. Highly confident witnesses may be inaccurate while less confident witnesses may be accurate. (Roesch, 2014)



This scene is for comedic purposes only.





Criminal in custody. Now we can use the information we gathered from our eye witnesses to convict him in court. It's always good to use proper techniques, proven through research so the case will be stronger.

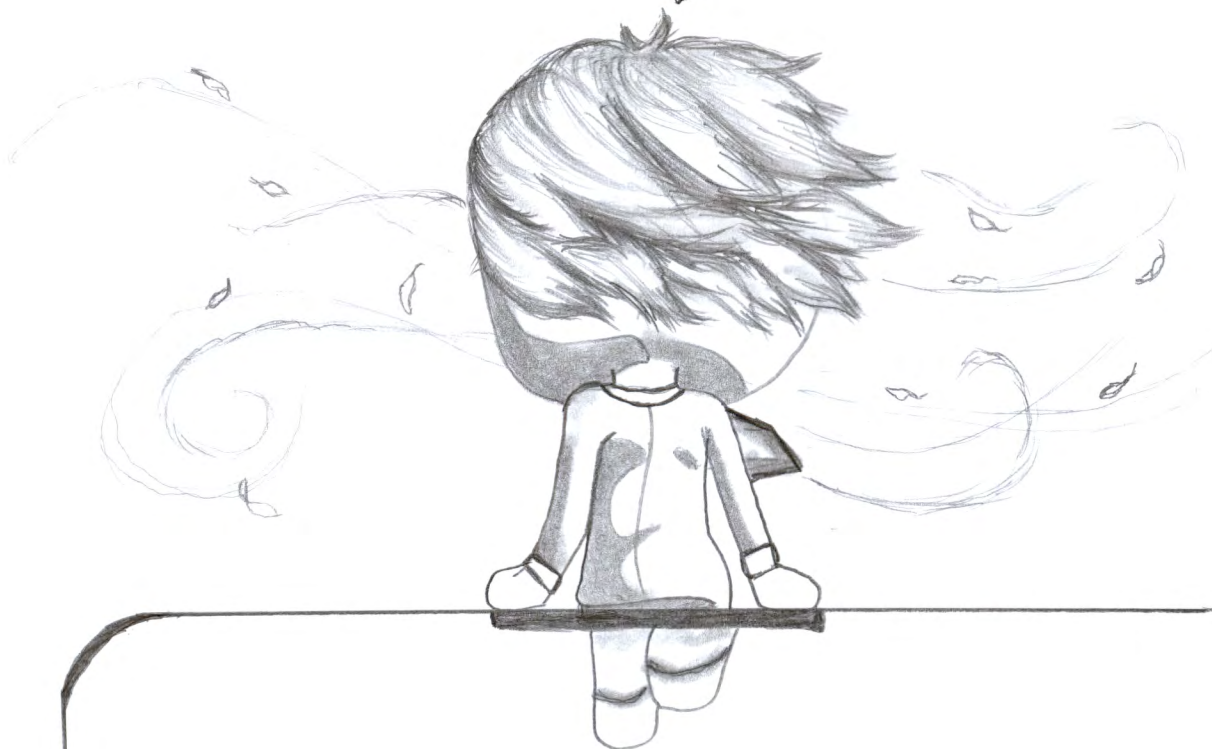


It's really Batman!!!



Batman go home, the culprit has already been arrested...

That concludes my time with you all. It was great to teach you about this important topic. So maybe if you are ever an eye witness you will know some little techniques that will help you to remember accurate information. Not only does it help to secure convictions but it also helps prevent wrong convictions. Until next time, this is farewell.



*Comic Created by Sarah Pepin
October 1, 2021*