

# Introduction to current issues in eyewitness identification

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# The Innocence Project

[www.innocenceproject.org](http://www.innocenceproject.org)

- 174 cases in which a convicted person has subsequently been exonerated by DNA evidence.
- Mistaken eyewitness identification is the leading cause of wrongful conviction.
  - Mistaken Identification was a factor In 101 of the first 130 exonerations (78%)
  - In the first 40 cases eyewitness error was involved in 36 (90%) cases
  - One person was misidentified by 5 witnesses
  - 17.5% were misidentified by more than one person

(Wells et al., 1998)

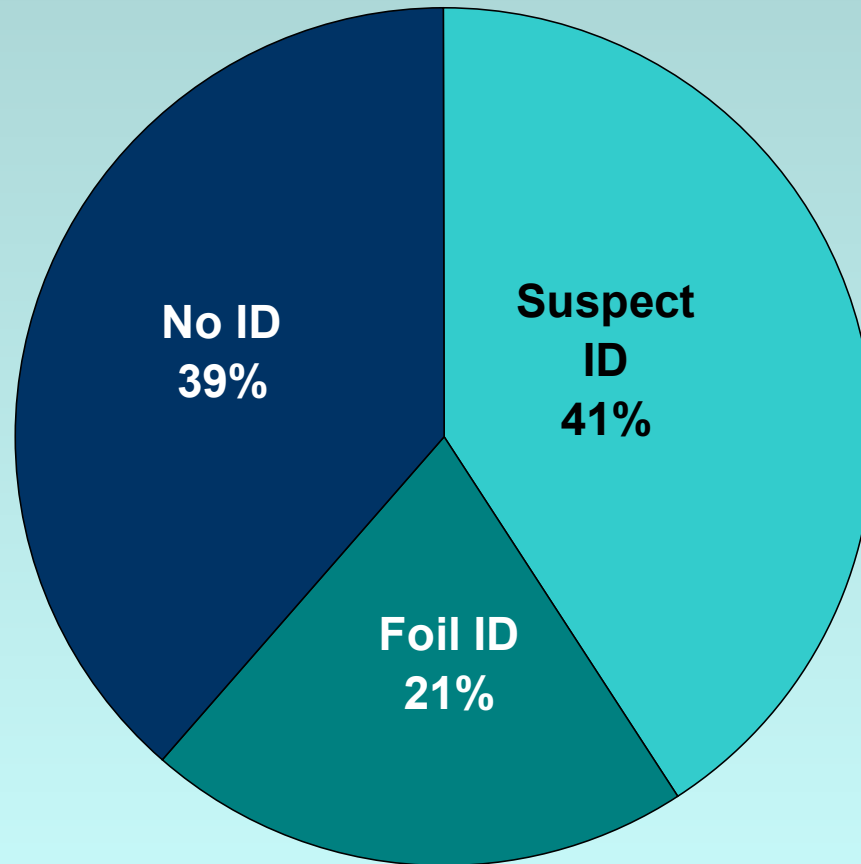
# Relevance of the Innocence Project to the UK identification procedures

- US cases
- Many are old convictions
- US identification procedures are very different from UK
  - Police and Criminal Evidence Act (1984) - PACE
  - codes of practice

# Provisions of PACE code D

- Suspect has right to have a legal representative present.
- The identification officer should not be involved in the investigation.
- Minimum of 8 volunteers - 'who resemble the suspect in age, general appearance and position in life'.
- Witness must be advised that the person they saw may not be present.
- Witness must view entire line-up at least twice.
- Video identification should be used unless it is not practicable or an identity parade is more suitable.

# Outcomes of identity parades when suspect is not known to the witness (584 cases)

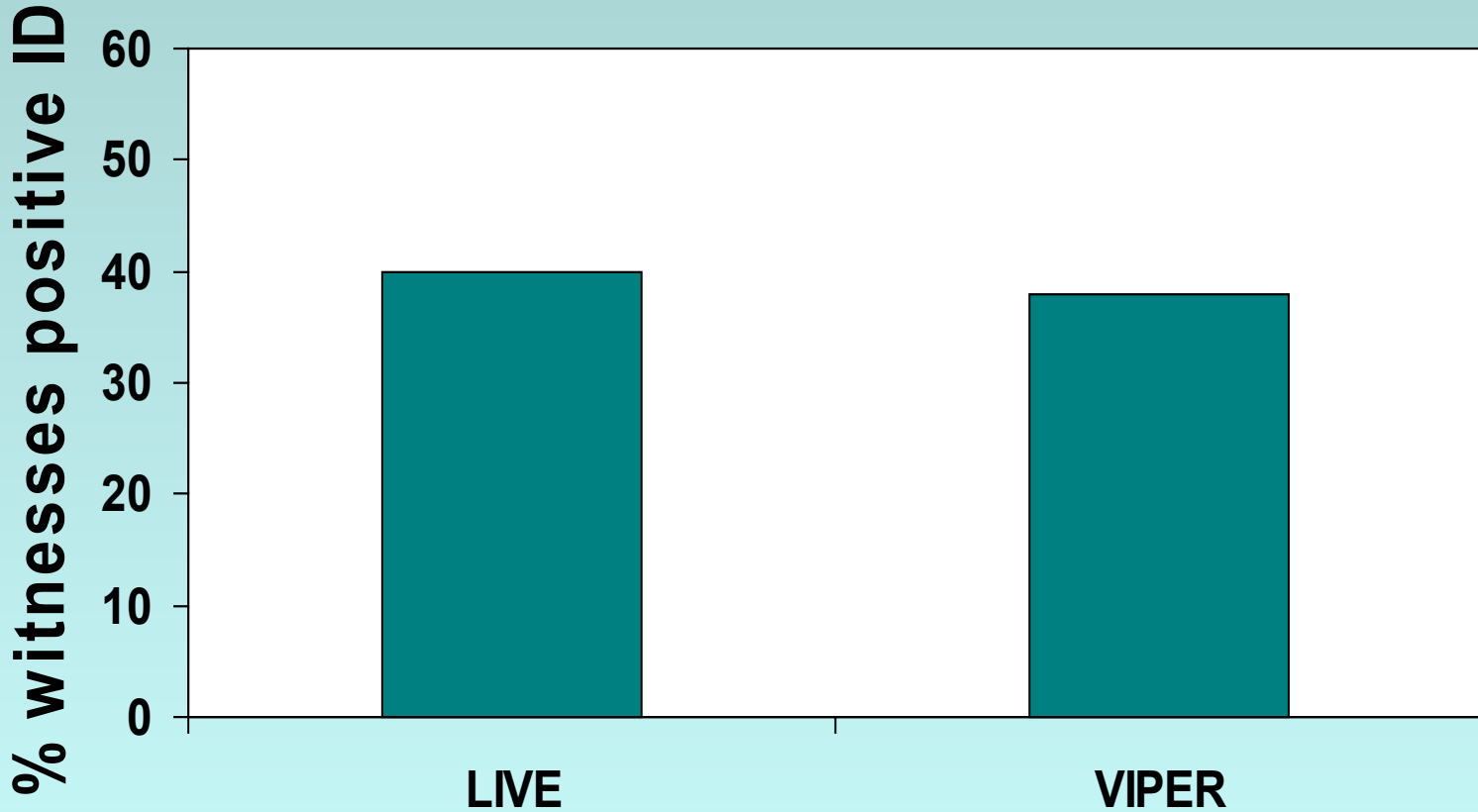


Data from Valentine, Pickering & Darling (2003) *Applied Cognitive Psychology*

# The advantages of video

- Reduces delay
- A large video library from which to choose distractors - hence potentially fairer lineups.
- Dramatically reduces cancellation rate  
(c. 50% - c. 5%)
- Cost-effective
- Reduces witness anxiety

# VIPER - sensitivity



Source: Pike *et al.* (2000) University of Westminster

# Fairness of live & VIPER parades

- The fairness of a sample of VIPER video lineups and a sample of photographs of live parades was measured. The VIPER lineups were fairer.

(Valentine & Heaton , 1999, Applied Cognitive Psychology).



# Best practice from the research literature

- Sequential rather than simultaneous presentation
  - designed to reduce use of relative judgements
- Video has a natural sequential presentation but use of the this approach is prevented by PACE requirement that the witness views all faces twice prior to decision

# Best practice from the research literature

- Foil selection strategy based on
  - Suspect resemblance
  - Witness description of the culprit
- PACE code D requires foils ‘resemble the suspect in ...’

# Best practice from the research literature

- From North American research based on identification from photograph arrays.
- Are sequential presentation and/or culprit description strategy effective when used in the context of video presentation?

# Recommendations of the American Psychology and Law Society

## Rule 1

*The person who conducts the lineup or  
photospread should not be aware of  
which member of the lineup or  
photospread is the suspect.*

# Recommendations of the American Psychology and Law Society

## Rule 2

*Eyewitnesses should be told explicitly that the person in question might not be in the lineup or photospread and therefore should not feel that they must make an identification. They should be told that the person administering the lineup does not know which person is the suspect in the case.*

# Recommendations of the American Psychology and Law Society

## Rule 3

*The suspect should not stand out in the lineup or photospread as being different from the distractors based on the eyewitness's previous description of the culprit or based on other factors that would draw extra attention to the suspect.*

# Recommendations of the American Psychology and Law Society

## Rule 4

*A clear statement should be taken from the eyewitness at the time of the identification and prior to any feedback as to his or her confidence that the identified person is the actual culprit.*



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