Eyewitness Basics
Pros and Cons of Testimonial Evidence

What is Testimonial Evidence?
- Testimonial evidence includes ________________________ given to ___________ as well as testimony in court by people who witnessed an event.
- Eyewitness accounts can be a __________ _________ in helping investigators with analyzing a crime scene, but are ________________ ________________ . In addition, eyewitness identifications (right or wrong) can have a __________ _________ on the outcome of an investigation or trial.
- People are likely to view the same scene in different ways depending on their _________ , ________________ , ________________ , and other factors that can interfere with a person’s ability to remember details.

Memory Challenge

Did you know?
According to The Innocence Project (2008) "Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide, playing a role in more than 75% of convictions overturned through DNA testing." Still, the criminal justice system profoundly relies on eyewitness identification and testimony for investigating and prosecuting crimes (Wells & Olson, 2003).

What factors affect a person’s memory and their ability to identify a suspect?

Witness Factors
- __________ may play a role in the accuracy of an eyewitness’ statement or identification of a suspect. Studies have shown that when a lineup __________ the actual __________ , both young children and elderly __________ ________, but when the lineup does _______ ___________ the culprit there is a higher rate of __________ identifications.
- The __________ of the witness may also play a role. The Cross Race Effect (CRE) is a phenomenon in which people are __________ at __________ faces of their _________ _______ rather than those of other races.
- The __________________ can alter a person’s ability to recall the events of a crime even after they are no longer under the influence.
- A person’s memory of an event can be influenced by ___________ ______________. __________, and/or the ______________. Investigators use open-ended questioning and follow procedures for conducting line-ups to limit their influence on a witness’ memory of an event or identification of a suspect.

Crime Scene and Suspect Factors
- A crime that is extremely __________ for an eyewitness may affect his/her recall of the event. For example, a witness confronted with a __________ tends to ______________________ rather than the perpetrator’s face.
• Someone who is able to focus on a perpetrator’s face for a minute or ____________ will tend to have a ____________ ____________ ____________ than someone who saw the person for only a few seconds.

• Studies have shown that faces that are either highly attractive, highly unattractive, or distinctive are more likely to be ____________ ____________ . ____________ ____________ , such as hats or sunglasses, can ____________ with accurate eyewitness identification. However, body piercings and tattoos ____________ the likelihood of an accurate identification.

• The ____________ of day in which the crime occurred as well as a person’s view of the scene may affect what a he/she is able to see. In addition, a person who is ____________ with the ____________ in which the crime took place, may have a ____________ ____________ of the positions of the victims or suspects.

Crime Scene Challenge

Facial Composites

• Investigators work with sketch artists and eyewitnesses to create ____________ _____________ , or sketches of a person’s face. Today many police departments are using facial reconstruction ____________ to help them with this task.

• The composite may be used ____________ to assist officers in identifying the suspect or used ____________ through local ____________ (radio, TV, and newspaper) to ____________ ____________ from citizens.

• FACES – A software program that offers many options to help you recreate a person’s facial features.
Eyewitness Basics

Pros and Cons of Testimonial Evidence

What is Testimonial Evidence?

- Testimonial evidence includes oral or written statements given to police as well as testimony in court by people who witnessed an event.
- Eyewitness accounts can be a useful tool in helping investigators with analyzing a crime scene, but are not viewed to be highly reliable. In addition, eyewitness identifications (right or wrong) can have a big influence on the outcome of an investigation or trial.
- People are likely to view the same scene in different ways depending on their positions, line of sight, familiarity with the area, and other factors that can interfere with a person’s ability to remember details.

Memory Challenge

Did you know?

According to The Innocence Project (2008) "Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide, playing a role in more than 75% of convictions overturned through DNA testing." Still, the criminal justice system profoundly relies on eyewitness identification and testimony for investigating and prosecuting crimes (Wells & Olson, 2003).

What factors affect a person’s memory and their ability to identify a suspect?

Witness Factors

- Age may play a role in the accuracy of an eyewitness’ statement or identification of a suspect. Studies have shown that when a lineup contains the actual culprit, both young children and elderly perform well, but when the lineup does not contain the culprit there is a higher rate of mistaken identifications.
- The race of the witness may also play a role. The Cross Race Effect (CRE) is a phenomenon in which people are better at recognizing faces of their own race rather than those of other races.
- The use of drugs can alter a person’s ability to recall the events of a crime even after they are no longer under the influence.
- A person’s memory of an event can be influenced by other witnesses, investigators, and/or the media. Investigators use open-ended questioning and follow procedures for conducting line-ups to limit their influence on a witness’ memory of an event or identification of a suspect.

Crime Scene and Suspect Factors

- A crime that is extremely traumatic for an eyewitness may affect his/her recall of the event. For example, a witness confronted with a weapon tends to focus on the weapon rather than the perpetrator’s face.
- Someone who is able to focus on a perpetrator's face for a minute or longer will tend to have a more accurate memory than someone who saw the person for only a few seconds.
- Studies have shown that faces that are either highly attractive, highly unattractive, or distinctive are more likely to be accurately recognized. Simple disguises, such as hats or sunglasses, can interfere with accurate eyewitness identification. However, body piercings and tattoos increase the likelihood of an accurate identification.
- The **time** of day in which the crime occurred as well as a person’s view of the scene may affect what a he/she is able to see. In addition, a person who is **familiar** with the **area** in which the crime took place, may have a **better recall** of the positions of the victims or suspects.

**Crime Scene Challenge**

**Facial Composites**

- Investigators work with sketch artists and eyewitnesses to create **facial composites**, or sketches of a person’s face. Today many police departments are using facial reconstruction **software** to help them with this task.

- The composite may be used **internally** to assist officers in identifying the suspect or used **externally** through local **media** (radio, TV, and newspaper) to **solicit leads** from citizens.

- **FACES** – A software program that offers many options to help you recreate a person’s facial features.

**You will have a chance to try to create a facial composite.**

You will need to pay close attention to the following features:

- The shape of the face
- **The shape of the jaw**
- The shape of the eyes
- The shape of the nose
- **The width of the neck**
- The shape & protrusion of the **ears**
- The presence of facial piercing
- The presence of **facial hair**, its color, & location
- The presence of facial markings, such as scars or tattoos
- **Forehead or other facial lines**
- The presence of **eyeglasses** or sunglasses
- The length, color, & texture of the person’s hair

Let’s give it a try!