

Course on Eyewitness identification

Avraham M. Levi

The Paradox of Eyewitness Testimony

Science versus Law

**The Police Lineup: The best identification tool

****Problem #1: Witnesses choose too often**

****Problem #2: Witnesses do not identify culprits often enough**

****Problem #3: Too many suspects who have been "identified" are actually innocent**

****Problem #4: Supporting evidence is usually too weak**

****Problem #5: The strategy of comparing lineup members destroys the very concept of identification.**

: Problems associated with the foils of the lineup

Problem #6: The lineup size is actually less than that required

Problem #7: Using the wrong method for choosing foils

Problem #8: Two ways to destroy the reliability of the fit-to-description and fit-to-suspect methods

Problem #9: Suspects who do not fit the witness' description of the culprit

Problem #10: Needing a different lineup for each witness

Problem #11: Needing a different lineup for each suspect

Problem #12: Three ways to destroy lineups

****Problem #13: Lineups are too small**

: Alternatives to the traditional lineup format

Problem #14: The blank lineup does not solve the problem of the simultaneous lineup

Problem #15: The sequential lineup does not solve the problem

Problem #16: The MSL lineup may suffer when the lineup becomes very large

****Problem #17: The Multiple Lineup Method may not work well in the real world**

Problem #18: Measuring how long it took the witness to identify the suspect may mislead.

Problem #19: Requesting witnesses not to compare lineup members may have negative consequences in the real world

Problem #20: Tense suspects in live lineups

Problem #21: Other ways that the suspect may stand out in a live lineup

Problem #22: Photo lineups cause more mistaken identifications

Problem #23: Multiple presentations of video-clips has never been tested

: Other problems associated with lineups

****Problem #24: The absence of counsel for the suspect at the lineup**

Problem #25: The police refuse to provide counsel with the description of the culprit that the witness gave

Problem #26: Failure to warn the witness that the culprit may not be in the lineup

Problem #27: Prior to the lineup, witnesses are encouraged to choose someone

Problem #28: Prior to the lineup the witness sees the suspect or a photo of him

Problem #29: Who conducts the lineup?

Problem #30: Many witnesses seeing the same lineup

Problem #31: "Unconscious transference" in lineups

Problem #32: The police fail to get an estimation of the witness' confidence in his identification

Problem #33: Witnesses take part in an identification in the presence of other witnesses

Problem #34: The police require that the witness indicate the features or describe the overall impression of the person upon which their identification is based

Problem #35: Problems with cross-ethnic identification

: Grossly inferior identification practices and other issues involving the police

Problem #36: The police do not even conduct a lineup

Problem #37: The police make due with an identification method far inferior to the lineup

****Problem #38: The police have the witness identify an object rather than a person.**

****Problem #39: The police present a mug-shot search "identification" as if it was a photo lineup "identification"**

****Problem #40: The police fail to save witnesses for lineups**

****Problem #41: Police do not keep a record of the photos shown in a mug-shot search**

****Problem #42: The police quickly decide who the culprit is, and fit the evidence accordingly**

****Problem #43: The police conduct a mug-shot search to escape the requirements of a lineup.**

Problem #44: The police present a "spontaneous identification" as proof of guilt.

Problem #45: The police fabricate a "spontaneous identification"

Problem #46: Police detectives interfere in work of specialists

****Problem #47: The police interview witnesses ineffectively**

Problem #48: The police share evidence with witnesses

Problem #49: Police commit perjury in order to obtain a conviction

****Problem #50: The police interrogate defendants unfairly**

****Problem #51: When the court is dissatisfied with police evidence, they simply change it**

****Problem #52: When the police do not have a suspect, they invent one**

: Issues regarding the court's interpretation of eyewitness evidence

Problem #53: Appropriate judicial action could prevent most the problems discussed so far

Problem #54: Judges are ignorant of the psychological data on eyewitness identification.

Problem #55: Judges have resisted expert testimony on eyewitness identification

Problem #56: Judges sometimes decide a case on the basis of a gut feeling rather than a considered evaluation of the evidence

****Problem #57: Bad precedent to maintain a fiction**

Problem #58: The police composite is sometimes highly overrated

Problem #59: Memory for peripheral details versus central ones.

Problem #60: Is the consistent witness more accurate?

Problem #61: Ignoring non-identifications as evidence of the defendant's innocence

Problem #62: discounting testimony by children

****Problem #63: Confusing telling the truth with being accurate**

Problem #64: The court "identifies" the defendant in a video.

Problem #65: Misinterpretation of the evidence: How to turn a non-identification into an identification

Problem #66: Misinterpreting the evidence: how to find collaborating evidence when it does not really exist

Problem #67: Judges often turn a blind eye to police perjury

:Systemic issues

Problem #68: Mug-shot albums have grown too large

Problem #69: How are we to get the research data more into consideration?

Problem #70: Who should render judgment regarding the facts of the case?

Problem # 71: How should judges be appointed....and removed from office?

Problem #72: What can be done to weaken the negative effects of the adversarial system of justice?

Problem #73: While experiments are very useful, their results must be handled with care

****Problem #74: Researchers lack first-hand experience with eyewitness identification issues**

****Problem #75: Scientific data is true only until a better truth is found**

