

**PSY727 50 2552 PSYCH EYEWITNESS Tues: 04:15-06:15PM Room3422N Steve Penrod
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Course Requirements

General Requirements: Complete readings (which will concentrate on recent research on eyewitness reliability, complemented by some older classics), complete weekly commentaries, organize a set of readings and class discussion around your writing topic, complete papers

Writing Requirements:

Major Written: Conduct New Research or write proposals on eyewitness questions, or write a legal brief built on eyewitness research 15 pages double-spaced.

Minor Written: Commentaries in advance of 10 class meetings, file a 300 word commentary on readings in response to assigned readings. Submit commentary, critiques, evaluations, ideas for discussion. These are due Thursday morning at 9 am in advance of class. Commentaries should be numbered sequentially and the class date to which the commentary refers should be noted. Electronic submission only--see email address above--subject line should identify the class, the date the class meets

Eyewitness Class 2/10/08 [indicate the class date]. #1

(please place comments in the body of the email rather than using attachments)

Textbooks: None

Readings: Assignments include relevant appendices--it is likely all readings will be provided electronically for downloading--some will be big files--downloading at JJ may be preferable to modem connections. Rile will be broken into chunks of less than 1.4MB so they fit on floppies.

No Exam: No final.

Grades: 20% classroom participation, 30% commentaries, 20% timely reading of assignments (assessed at end of semester), 30% papers.

Link to AP-LS membership site: <http://www.unl.edu/ap-ls/membership.htm> [\$XX including 6 issues of Law and Human Behavior]

Reading Assignments:

Readings for Sept 8:

Wells, G.L., Small, M., Penrod, S., Malpass, R. S., Fulero, S. M. & Brimacombe, C. A. E. (1998). Eyewitness identification procedures: Recommendations for lineups and photospreads. *Law and Human Behavior*, 22, 603-647.

There is increasing evidence that false eyewitness identification is the primary cause of the conviction of innocent people. In 1996, the American Psychology/Law Society, Division 41 of the American Psychological Association, appointed a subcommittee to review scientific evidence and

make recommendations regarding the best procedures for constructing and conducting lineups and photospreads. Three important themes from the scientific literature relevant to lineup methods were identified and reviewed, namely relative-judgment processes, the lineups-as-experiments analogy, and confidence malleability. Recommendations are made that double-blind lineup testing should be used, that eyewitnesses should be forewarned that the culprit might not be present, that distractors should be selected based on the eyewitness's verbal description of the perpetrator, and that confidence should be assessed and recorded at the time of identification. The potential costs and benefits of these recommendations are discussed.

Kassin, S. M. (1998). Eyewitness identification procedures: The fifth rule. *Law & Human Behavior*, 22, 649-653.

Comments that the 4 recommendations of G. L. Wells et al (see record 1998-03228-001) to improve eyewitness identification procedures are ideally suited to minimize many potential problems. It is argued, however, that there is one recommendation (already being implemented in some precincts) that the authors considered and did not propose that is the most important rule of all: the videotaping of the lineup and witness identification. It is suggested that videotaping serves two essential functions: (1) establishing an objective record of the procedures followed independent of police self-report, and (2) providing the judge (for suppression hearing purposes), the attorneys (for advocacy purposes) and the jury (for fact-finding purposes) with an objective electronic record of the witness's decision and the context in which that decision was made.

Readings for Sept 15:

Bruce W. Behrman, Sherrie L. Davey. Eyewitness Identification in Actual Criminal Cases: An Archival Analysis, *Law and Human Behavior* 2001 25, 475-491.

This study analyzed 271 actual police cases in order to address several prevalent issues in the eyewitness literature. Suspect identification (SI) rates were obtained for 289 photographic lineups, 258 field showups, 58 live lineups, and 66 lineup identifications preceded by earlier identifications. SI rates were assessed for 3 levels of extrinsic evidence: no extrinsic evidence, evidence of minimal probative value, and evidence of substantial probative value. The SI rates for the photographic lineups were assessed as a function of delay, same vs cross-race conditions, witness type, and weapon presence. SI rates declined significantly over time; SI rates were significantly greater for the same-race condition. SI rates were much greater for field showups than photographic lineups, 76% vs 48%. The SI rates for the field showups did not vary as a function of eyewitness conditions. The relation between confidence and suspect/foil identifications for the live lineups was significant and moderately high. The utility of archival identification studies for eyewitness testimony research is discussed.

Bruce W. Behrman & Regina E. Richards. (2005). Suspect/Foil Identification in Actual Crimes and in the Laboratory: A Reality Monitoring Analysis. *Law and Human Behavior* , 29, 279-301.

Four reality monitoring variables were used to discriminate suspect from foil identifications in 183 actual criminal cases. Four hundred sixty-one identification attempts based on five and six-person lineups were analyzed. These identification attempts resulted in 238 suspect identifications and 68 foil identifications. Confidence, automatic processing, eliminative processing and feature use comprised the set of reality monitoring variables. Thirty-five verbal confidence phrases taken from police reports were assigned numerical values on a 10-point confidence scale. Automatic processing identifications were those that occurred "immediately" or "without hesitation." Eliminative processing identifications occurred when witnesses compared or eliminated persons in the lineups. Confidence, automatic processing and eliminative processing were significant predictors, but feature use was not. Confidence was the most effective discriminator. In cases that involved substantial evidence extrinsic to the identification 43% of the

suspect identifications were made with high confidence, whereas only 10% of the foil identifications were made with high confidence. The results of a laboratory study using the same predictors generally paralleled the archival results. Forensic implications are discussed.

For Sept 22:

Yarmey, A. D. (2004). Eyewitness recall and photo identification: a field experiment. *Psychology, Crime & Law* 10(1): 53-68.

Some 590 men and women were tested in public places for interrogative recall and photo identification of a young woman to whom they had spoken for approximately 15 seconds, either 2 minutes earlier or 4 hours earlier. The target was seen originally either with or without a baseball cap and dark sunglasses. Witnesses were either prepared or not prepared at the time of the encounter for a subsequent memory test. Half of the witnesses were given imagery retrieval instructions or standard retrieval instructions prior to the two memory tests. A separate group of 379 introductory psychology students attempted to predict the performance of the eyewitnesses. Witness preparation was of more importance for recall of clothing characteristics than for physical characteristics. Witness preparation, target disguise, retention interval, gender of witnesses, and retrieval instructions had no significant main effects on identification. Forty-nine per cent of the witnesses given the target-present lineup correctly identified the target, and 62% correctly rejected the target-absent lineup. Student's beliefs in the accuracy of recall and identification were not consistent with eyewitnesses' performance.

Wagstaff, G. F., MacVeigh, J., Boston, R., Scott, L., Brunas-Wagstaff, J., & Cole, J. (2003). Can laboratory findings on eyewitness testimony be generalized to the real world? An archival analysis of the influence of violence, weapon presence, and age on eyewitness accuracy. *Journal of Psychology* 137(1): 17-28.

Can laboratory findings on eyewitness testimony be generalized to the real world? An archival analysis of the influence of violence, weapon presence, and age on eyewitness accuracy. *Journal of Psychology: Interdisciplinary & Applied*, 137(1), 17-28. The authors conducted 2 studies to assess the effects of levels of violence, the presence of a weapon, and the age of the witness on the accuracy of eyewitness testimony in real-life crime situations. Descriptions of offenders were taken from eyewitnesses' statements obtained by the police and were compared with the actual details of the same offenders obtained on arrest. Data in Study 1 were taken from 62 victim and 8 nonvictim witnesses for crimes including robbery, rape, and assault. Data in Study 2 were taken from the statements of 48 females (aged 8-92 yrs) who had been victims of rape, attempted rape, or indecent assault. The results show that eyewitnesses tended to recall the offenders' hairstyle and hair color most accurately. None of the effects for the level of violence, the presence of a weapon, or age approached statistical significance, with the exception that, in the 1st study, accuracy in describing hair color was better when associated with high levels of violence and in cases of rape. It is argued that caution must be exercised in generalizing from laboratory studies of eyewitness testimony to actual crime situations.

Ihlebaek, C., Love, T., Eilertsen, D. E., & Magnussen, S. (2003). Memory for a staged criminal event witnessed live and on video. *Memory* 11(3): 319-327.

Ihlebaek, C., Love, T., Eilertsen, D. E., & Magnussen, S. (2003). Memory for a staged criminal event witnessed live and on video. *Memory*, 11(3), 319-327. Compared memory for a staged criminal event witnessed live and on video. Memory for robbery was tested in 126 participants (mean ages 29.8 and 30 yrs) witnessing the event either live or on video. Immediately after the event, Ss completed questionnaires probing memory with emphasis on the timing of the event

and robber characteristics. Results show that Ss who watched a video recording of the event reported more details and with higher accuracy than Ss who were present on the scene, but the pattern of memory errors were similar in the 2 conditions. It is concluded that laboratory experiments may overestimate the memory of eyewitnesses, but are otherwise able to simulate essential aspects of memory performance in naturalistic contexts.

For Sept 29:

Meissner, Christian A.; Brigham, John C. (2001). Thirty years of investigating the own-race bias in memory for faces: A meta-analytic review. *Psychology, Public Policy, & Law.*, 7, 3-35.

The current article reviews the own-race bias (ORB) phenomenon in memory for human faces, the finding that own-race faces are better remembered when compared with memory for faces of another, less familiar race. Data were analyzed from 39 research articles, involving 91 independent samples and nearly 5,000 participants. Measures of hit and false alarm rates, and aggregate measures of discrimination accuracy and response criterion were examined, including an analysis of 8 study moderators. Several theoretical relationships were also assessed (i.e., the influence of racial attitudes and interracial contact). Overall, results indicated a "mirror effect" pattern in which own-race faces yielded a higher proportion of hits and a lower proportion of false alarms compared with other-race faces. Consistent with this effect, a significant ORB was also found in aggregate measures of discrimination accuracy and response criterion. The influence of perceptual learning and differentiation processes in the ORB are discussed, in addition to the practical implications of this phenomenon.

Stebly, N., Dysart, J., Fulero, S., & Lindsay, R. C. L. (2003). Eyewitness accuracy rates in police showup and lineup presentations: A meta-analytic comparison. *Law & Human Behavior* 27(5): 523-540.

Meta-analysis is used to compare identification accuracy rates in showups and lineups. Eight papers were located, providing 12 tests of the hypothesis and including 3013 participants. Results indicate that showups generate lower choosing rates than lineups. In target present conditions, showups and lineups yield approximately equal hit rates, and in target absent conditions, showups produce a significantly higher level of correct rejections. False identification rates are approximately equal in showups and lineups when lineup foil choices are excluded from analysis. Dangerous false identifications are more numerous for showups when an innocent suspect resembles the perpetrator. Function of lineup foils, assessment strategies for false identifications, and the potential impact of biases in lineup practice are suggested as additional considerations in evaluation of showup versus lineup efficacy.

For Oct 6

Nancy Stebly, Jennifer Dysart, Solomon Fulero, R. C. L. Lindsay Eyewitness Accuracy Rates in Sequential and Simultaneous Lineup Presentations: A Meta-Analytic Comparison, *Law and Human Behavior* 2001 25, 459-473.

Most police lineups use a simultaneous presentation technique in which eyewitnesses view all lineup members at the same time. R. C. Lindsay and G. L. Wells (see record 1985-30824-001) devised an alternative procedure, the sequential lineup, in which witnesses view one lineup member at a time and decide whether or not that person is the perpetrator prior to viewing the next lineup member. The present work uses the technique of meta-analysis to compare the accuracy rates of these presentation styles. 23 papers were located (9 published and 14

unpublished), providing 30 tests of the hypothesis and including 4,145 participants. Results show that identification of perpetrators from target-present lineups occurs at a higher rate from simultaneous than from sequential lineups, However, this difference largely disappears when moderator variables approximating real world conditions are considered. Also, correct rejection rates were significantly higher for sequential than simultaneous lineups and this difference is maintained or increased by greater approximation to real world conditions.

Clark, S. E., & Davey, S. L. (2005). The Target-to-Foils Shift in Simultaneous and Sequential Lineups. *Law & Human Behavior*, 29(2), 151-172.

A theoretical cornerstone in eyewitness identification research is the proposition that witnesses, in making decisions from standard simultaneous lineups, make relative judgments. The present research considers two sources of support for this proposal. An experiment by G. L. Wells (1993) showed that if the target is removed from a lineup, witnesses shift their responses to pick foils, rather than rejecting the lineups, a result we will term a target-to-foils shift. Additional empirical support is provided by results from sequential lineups which typically show higher accuracy than simultaneous lineups, presumably because of a decrease in the use of relative judgments in making identification decisions. The combination of these two lines of research suggests that the target-to-foils shift should be reduced in sequential lineups relative to simultaneous lineups. Results of two experiments showed an overall advantage for sequential lineups, but also showed a target-to-foils shift equal in size for simultaneous and sequential lineups. Additional analyses indicated that the target-to-foils shift in sequential lineups was moderated in part by an order effect and was produced with (Experiment 2) or without (Experiment 1) a shift in decision criterion. This complex pattern of results suggests that more work is needed to understand the processes which underlie decisions in simultaneous and sequential lineups.

For Oct 13--No class

For Oct 20

Penrod, Steven; Cutler, Brian. (1995) Witness confidence and witness accuracy: Assessing their forensic relation. *Psychology, Public Policy, & Law*. Dec Vol 1(4) 817-845.

Bradfield, A., & McQuiston, D. E. (2004). When Does Evidence of Eyewitness Confidence Inflation Affect Judgments in a Criminal Trial? *Law & Human Behavior*, 28(4), 369-387.

Two studies investigated perceptions of eyewitness confidence inflation: increases in a witness's confidence between the time of the identification and the trial. Experiment 1 (N=90) demonstrated that, for White participants, assessments of the strength of the defense case, the eyewitness's view, and participants' confidence in the eyewitness's accuracy were more favorable to the defense when there was evidence that the eyewitness's confidence increased over time (mere inflation condition), compared with a control condition. In addition, assessments of the defendant's guilt and the eyewitness's accuracy were more favorable to the defense when the eyewitness was aggressively challenged about the change in her confidence report (inflation + challenge). Experiment 2 (N=360) demonstrated that, for Hispanic participants, sensitivity to confidence inflation did not interact with manipulations of the eyewitness's or defendant's race (White vs. Hispanic). In addition, the confidence inflation effect did not replicate with the Hispanic participants. Results are interpreted in terms of the ingroup bias in legal judgments and directions for future research.

Cutler, B. L., Penrod, S. D., & Dexter, H. R. (1990). Juror sensitivity to eyewitness identification evidence. *Law & Human Behavior* 14(2): 185-191.

Conducted a mock-jury study to examine juror sensitivity to eyewitness identification evidence. 129 eligible and experienced jurors viewed a videotaped trial that involved an eyewitness identification. 10 factors associated with the crime and the identification (e.g., disguise of the perpetrator, retention interval, confidence of the witness) were manipulated. The results of this mock-jury study were combined with those of a previous study by V. J. Konecni and E. B. Ebbesen (1979), using the same experimental stimuli and procedures, but using undergraduates as Ss. The confidence of the eyewitness was the most powerful predictor of verdicts and differences between undergraduates and eligible jurors in their sensitivity to eyewitness evidence were negligible.

Cutler, B. L., Dexter, H. R., & Penrod, S. D. (1989). Expert testimony and jury decision making: An empirical analysis. *Behavioral Sciences & the Law* 7(2): 215-225.

Examined the influence of expert psychological testimony on juror decision making in eyewitness identification cases. 96 experienced jurors and 538 undergraduate mock jurors viewed versions of a videotaped trial, rated the credibility of the eyewitness and the strength of the prosecution's and defense's cases, and rendered verdicts. In the absence of expert testimony, jurors were insensitive to eyewitness evidence. Expert testimony improved juror sensitivity to eyewitness evidence without making them more skeptical about the accuracy of the eyewitness identification. Few differences emerged between the experienced jurors and undergraduate mock jurors.

For Oct 27

Dunning, David; Perretta, Scott. (2002). Automaticity and eyewitness accuracy: A 10- to 12-second rule for distinguishing accurate from inaccurate positive identifications. *Journal of Applied Psychology*, 87, 951-962.

Eyewitness researchers have shown that witnesses accurately choosing the culprit out of a lineup reach their decisions more quickly than those erroneously choosing an innocent individual. However, this research is silent regarding how quickly or slowly witnesses must be, in absolute terms, to indicate that they are accurate or inaccurate. Across 4 studies, the authors discovered that a time boundary of roughly 10 to 12 s best differentiated accurate from inaccurate positive identifications. Witnesses making their identification faster than 10 to 12 s were nearly 90% accurate; those taking longer were roughly 50% accurate. This finding is consistent with previous research showing that accurate witnesses are more likely than inaccurate witnesses to reach their decisions automatically, that is, quickly, without conscious thought or effort.

Weber, N., & Brewer, N., Wells, G., Semmler, C & Keast, A. (2003). Eyewitness Identification Accuracy and Response Latency: The Unruly 10-12 Second Rule. *Journal of Experimental Psychology: Applied*, 10(3), 139-147.

Data are reported from 3,213 research eyewitnesses confirming that accurate eyewitness identifications from lineups are made faster than are inaccurate identifications. However, consistent with predictions from the recognition and search literatures, the authors did not find support for the "10-12-s rule" in which lineup identifications faster than 10-12 s maximally discriminate between accurate and inaccurate identifications (D. Dunning & S. Perretta, 2002). Instead, the time frame that proved most discriminating was highly variable across experiments, ranging from 5 s to 29 s, and the maximally discriminating time was often unimpressive in its ability to sort accurate from inaccurate identifications. The authors suggest several factors that are likely to moderate the 10-12-s rule.

Cutler, B. L. & Penrod, S. D. (1995). *Mistaken Identifications: the Eyewitness, Psychology, and*

Law. New York: Cambridge University Press. Chap 17 Instructing the jury about problems of mistaken identification [Note that the PDF files contains several chapters--only Chap 17 is assigned].

For Nov 3:

Malpass, R. S. & Lindsay, R. C. L. (1999). Measuring Line-up Fairness. *Applied Cognitive Psychology*, 13, S1-S7.

The fairness of line-ups and photospreads is a traditional concern of research and policy development in the area of eyewitness identification. Quantification of fairness, the construction of fairness indices, and the development of evaluation procedures started in the 1970s and continues to this day. This paper reviews the historical development of the field as an introduction to the articles that follow. The entire set of articles addresses current questions and raises new issues of measuring the fairness of identification procedures.

Valentine T. & Pamela Heaton (1999). An Evaluation of the Fairness of Police Line-Ups and Video Identifications, *Applied Cognitive Psychology* 13, S59-S72.

Mistaken eyewitness identification is a major source of miscarriages of justice. In England and Wales, procedures for obtaining identification evidence are set out in legislation. The vast majority of identifications are obtained using a traditional 'live' identity parade (or line-up). However, in some circumstances video identifications are being used more frequently. Records of line-ups and video identifications used in actual criminal cases were obtained. The fairness of these procedures was compared by use of a mock witness procedure. In a perfectly fair line-up the suspect would be chosen, by chance, by 11% of the mock witnesses. However, 25% of mock witnesses selected the suspect from 25 photographs of live line-ups, compared to 15% of mock witnesses who selected the suspect from video identifications. An analysis of covariance, taking visual features mentioned in the original witness's first description as the covariate, showed that the proportion choosing the suspect was significantly smaller from video identifications. It is concluded that the video line-ups were fairer than the live line-ups, and therefore that wider use of video identifications has the potential to improve the reliability of eyewitness identification evidence.

McQuiston, D. E., & Malpass, R. S. (2002). Validity of the mockwitness paradigm: Testing the assumptions. *Law & Human Behavior* 26(4): 439-453.

Mockwitness identifications are used to provide a quantitative measure of lineup fairness. Some theoretical and practical assumptions of this paradigm have not been studied in terms of mock-witnesses' decision processes and procedural variation (e.g. instructions, lineup presentation method), and the current experiment was conducted to empirically evaluate these assumptions. 480 mock-witnesses (undergraduate students) were given physical information about a culprit, received 1 of 4 variations of lineup instructions, and were asked to identify the culprit from either a fair or unfair sequential lineup containing 1 of 2 targets. Lineup bias estimates varied as a result of lineup fairness and the target presented. Mock-witnesses generally reported that the target's physical description was their main source of identifying information. The authors' findings support the use of mock-witness identifications as a useful technique for sequential lineup evaluation, but only for mock-witnesses who selected only 1 lineup member. Recommendations for the use of this evaluation procedure are discussed.

For Nov 10

Penrod 2003 NSF Research Proposal you need read only the 15 pages of proposal text

Garcia-Penrod 2004 NSF Research Proposal you need read only the 15 pages of proposal text

For Nov 17: find your group below

Jury assessments of what is fair

Lampinen, James M.; Judges, Donald P.; Odegard, Timothy N.; Hamilton, Sarah. (2005). The Reactions of Mock Jurors to the Department of Justice Guidelines for the Collection and Preservation of Eyewitness Evidence. *Basic and Applied Social Psychology*. 27, 155-162

Failure to follow the recommended guidelines for conducting lineups set forth by the Department of Justice (DOJ) could result in fewer convictions. To test this supposition, mock jurors read 1 of 3 versions of a court transcript. In 1 version, no issues were raised about how the investigating officer conducted the photo array. In the second version, 2 procedural errors made by the investigator were highlighted. In the third version, the defense attorney highlighted 2 procedural errors and mentioned that these errors violated the DOJ guidelines. Mock jurors informed of the procedural errors their violation of the DOJ guidelines found the prosecution's case against the defendant to be weaker than mock jurors in the other 2 conditions. Also, mock jurors informed of the procedural errors were less likely to find the defendant guilty than mock jurors in the other 2 conditions. Thus, the failure of law enforcement to implement the DOJ guidelines could be used to discredit the prosecution's case in the jurors' eyes

Devenport, J. L., Stinson, V., Cutler, B. L., & Kravitz, D. A. (2002). How effective are the cross-examination and expert testimony safeguards? Jurors' perceptions of the suggestiveness and fairness of biased lineup procedures. *Journal of Applied Psychology* 87(6): 1042-1054.

Mock jurors (N = 800) viewed a videotaped trial that included information about a lineup identification procedure. Suggestiveness of the eyewitness identification procedure varied in terms of foil, instruction, and presentation biases. Expert testimony regarding the factors that influence lineup suggestiveness was also manipulated. Criteria included juror ratings of lineup suggestiveness and fairness, ratings of defendant culpability, and verdicts. Jurors were sensitive to foil bias but only minimally sensitive to instruction and presentation biases. Expert testimony enhanced juror sensitivity only to instruction bias. These results have implications for the effectiveness of cross-examination and expert testimony as safeguards against erroneous convictions resulting from mistaken identifications.

Abshire, Jordan; Bernstein, Brian H. (2003). Juror sensitivity to the cross-race effect. *Law and Human Behavior*, 27, 471-480.

Black and White mock jurors' sensitivity to the cross-race effect was investigated by varying the race of the eyewitness in a simulated murder trial of a Black defendant. Participants heard an audiotape of a trial after which they rendered a verdict and rated the credibility of the witnesses. White participants found the prosecution witnesses (including the eyewitness) more credible, and the defense witness less credible, than did Black participants; they were also more likely to find the defendant guilty. The Black eyewitness was perceived as more credible than was the White eyewitness, but eyewitness race had no effect on verdict. These results are consistent with the literature indicating that jurors of different races reach different verdicts, and also that jurors are relatively insensitive to factors that affect eyewitness testimony, such as the cross-race effect.

Brewer, Neil; Burke, Anne (2002). Effects of testimonial inconsistencies and eyewitness

confidence on mock-juror judgments. *Law and Human Behavior*, 26, 353-364.

Abstract Examined the interaction between testimonial consistency and eyewitness confidence on mock-jurors' judgments of probability that the defendant committed the crime and verdicts. In a 2 (testimonial consistency)*2(confidence) between-groups design, 130 mock-jurors (aged 18-55 yrs) listened to an audio-taped trial of a person charged with armed robbery. Manipulations were contained in the prosecution witness's responses to detailed questioning by prosecution and defense attorneys. Although consistency is considered to be a key marker of accuracy, its impact on judgments was weak and nonsignificant. Witness confidence had a strong influence on judgments, whether testimony was consistent or inconsistent. It is suggested that witness confidence may be more likely to emerge as a dominant influence on juror judgments when the testimony is wide ranging rather than relatively brief and concerned only with a specific issue (e.g., identification confidence).

Bradfield, Amy; McQuiston, Dawn E. (2004). When Does Evidence of Eyewitness Confidence Inflation Affect Judgments in a Criminal Trial? *Law and Human Behavior*. 28, 369-387

Two studies investigated perceptions of eyewitness confidence inflation: increases in a witness's confidence between the time of the identification and the trial. Experiment 1 (N=90) demonstrated that, for White participants, assessments of the strength of the defense case, the eyewitness's view, and participants' confidence in the eyewitness's accuracy were more favorable to the defense when there was evidence that the eyewitness's confidence increased over time (mere inflation condition), compared with a control condition. In addition, assessments of the defendant's guilt and the eyewitness's accuracy were more favorable to the defense when the eyewitness was aggressively challenged about the change in her confidence report (inflation + challenge). Experiment 2 (N=360) demonstrated that, for Hispanic participants, sensitivity to confidence inflation did not interact with manipulations of the eyewitness's or defendant's race (White vs. Hispanic). In addition, the confidence inflation effect did not replicate with the Hispanic participants. Results are interpreted in terms of the ingroup bias in legal judgments and directions for future research.

Phillips, Mark R.; McAuliff, Bradley D.; Kovera, Margaret Bull; Cutler, Brian L. (1999). Double-blind photoarray administration as a safeguard against investigator bias. *Journal of Applied Psychology*, 84, 940-951.

This experiment examined whether a photoarray administrator's knowledge of a suspect's identity increased false identification rates. Fifty participant-administrators (PAs) presented 50 participant-witnesses (PWs) two perpetrator-absent photoarrays following a live staged crime involving two perpetrators. For one photoarray per trial, the experimenter revealed the suspect's identity to the PA. Each PA presented the photoarrays sequentially or simultaneously in the presence or absence of an observer. When the observer was present, PA knowledge of the suspect's identity had a biasing effect in sequential photoarrays only. This pattern did not emerge when the observer was absent. The experimental manipulations did not affect PAs' and PWs' ratings of photoarray fairness or PWs' ratings of pressure to make an identification. These data suggest that only administrators who are blind to the suspect's identity should present sequential photoarrays.

Haw, R. M.; Fisher, R. P. (2004). Effects of Administrator-Witness Contact on Eyewitness Identification Accuracy. *Journal of Applied Psychology*, 89, 1106-1112.

Concern that lineup administrators can influence eyewitness identifications has led researchers to suggest implementing double-blind testing, an idea that police resist. Using a typical eyewitness paradigm (video event followed by photographic identification test), the present study demonstrated that an alternative technique, minimizing the level of contact between lineup administrators and witnesses, could reduce false identifications without reducing hits. Specifically,

witnesses were more likely to make decisions consistent with lineup administrator expectations when the level of contact between the administrator and the witness was high than when it was low. These results are explained within the experimenter expectancy framework. Implications for applied settings are discussed

Kassin, Saul M.; Tubb, V. Anne; Hosch, Harmon M.; Memon, Amina On the "general acceptance" of eyewitness testimony research. *American Psychologist*, 2001, 56, 405-416

R. C. L., Lea, J. A., Nosworthy, G. J., Fulford, J. A., Hector, J., LeVan, V., & Seabrook, C. (1991). Biased lineups: Sequential presentation reduces the problem. *Journal of Applied Psychology*, 76, 796-802.

Biased lineups have been shown to increase significantly false, but not correct, identification rates (R. C. Lindsay et al, 1987; Lindsay and G. L. Wells, 1980; R. S. Malpass and P. G. Devine, 1981). Lindsay and Wells (1985) found that sequential lineup presentation reduced false identification rates, presumably by reducing reliance on relative judgment processes. Five staged-crime experiments were conducted to examine the effect of lineup biases and sequential presentation on eyewitness recognition accuracy. Sequential lineup presentation significantly reduced false identification rates from fair lineups as well as from lineups biased with regard to foil similarity, instructions, or witness attire, and from lineups biased in all of these ways. The results support recommendations that police present lineups sequentially.

Stebay, N. M. (1997). Social influence in eyewitness recall: A meta-analytic review of lineup instruction effects. *Law & Human Behavior*, 21, 283-297.

Meta-analysis is used to compare identification accuracy rates in showups and lineups. Eight papers were located, providing 12 tests of the hypothesis and including 3013 participants. Results indicate that showups generate lower choosing rates than lineups. In target present conditions, showups and lineups yield approximately equal hit rates, and in target absent conditions, showups produce a significantly higher level of correct rejections. False identification rates are approximately equal in showups and lineups when lineup foil choices are excluded from analysis. Dangerous false identifications are more numerous for showups when an innocent suspect resembles the perpetrator. Function of lineup foils, assessment strategies for false identifications, and the potential impact of biases in lineup practice are suggested as additional considerations in evaluation of showup versus lineup efficacy.

Lindsay, R. C., H. Wallbridge, et al. (1987). "Do the clothes make the man? An exploration of the effect of lineup attire on eyewitness identification accuracy." *Canadian Journal of Behavioural Science* 19(4): 463-478.

In 3 experiments, 392 undergraduates witnessed staged crimes and attempted to identify criminals from photographic lineups containing a picture of the guilty party or a similar looking but innocent suspect. Lineup attire was manipulated: (1) Only the suspects wore clothing similar to that worn during the crime (biased lineups); (2) everyone wore different attire (usual lineups); and (3) everyone was dressed alike. Data reveal that the rate of identifications of the guilty party was not influenced by lineup attire. However, the innocent suspect was most likely to be identified from a clothing-biased lineup. Data also show that Ss who selected the suspect clothing from photographs of clothing were significantly more accurate in their identification of the person than Ss who failed to select the suspect clothing.

Keibell, Mark R.; Milne, Rebecca. (1998). Police officers' perceptions of eyewitness performance in forensic investigations. *Journal of Social Psychology*, 138, 323-330.

159 UK police officers were surveyed regarding their perceptions of eyewitnesses and

eyewitness performance. The respondents indicated that eyewitnesses usually provide the central leads in criminal investigations; however, the police officers also believed that eyewitnesses rarely provide sufficient information, especially descriptive details as opposed to action details. Nevertheless, the officers believed that eyewitnesses are rarely incorrect. A sizable minority reported that witnesses rarely come forward to the police and that those who do are often reluctant to testify in court. Many officers indicated that they do not have enough time to conduct good eyewitness interviews.

Skolnick, Paul; Shaw, Jerry I. *Criminal Justice & Behavior*. (2001). A comparison of eyewitness and physical evidence on mock-juror decision making, 28, 614-630.

Two studies compared the effectiveness of eyewitness testimony and physical evidence on mock-juror decision making. Jury-eligible participants were randomly assigned to read one of eight versions of a hypothetical murder scenario and were each asked to render a verdict, to recommend a sentencing option, and to make other evaluative judgments of the defendant. In Study 1, either eyewitness testimony or physical evidence was presented, whereas in Study 2, both types of evidence were presented together. Also, in both studies, the strength of evidence varied. Log linear analysis confirmed that mock jurors' verdicts and evaluative judgments were influenced to a greater extent by physical evidence than by eyewitness testimony. Strong evidence produced more guilty verdicts than weak evidence. However, combining strong evidence of both types was no more effective than presenting strong evidence of either type. Implications of these factors for prosecutors and defense attorneys in criminal proceedings are discussed.

Wagstaff, Graham F.; Vella, Marilyn; Perfect, Tim. (1992). The Effect of Hypnotically Elicited Testimony on Jurors' Judgments of Guilt and Innocence. *Journal of Social Psychology*, 132, 591-595.

This article examines survey data from several countries indicating that many people believe that hypnosis may increase the accuracy of an eyewitness's memory, while most experimental research suggests that this belief is inaccurate. The problems associated with the use of hypnosis as a memory aid in forensic investigations have even led to a controversy regarding whether nonhypnotic memory facilitation techniques, which often use similar techniques to hypnotic procedures but without a formal induction procedure, may suffer similar difficulties. Despite negative results, in some studies conducted in the U.S., Great Britain and Australia, the majority of the general public surveyed, including university students, apparently believed that hypnosis improves the accuracy of memory and may therefore serve as a valuable tool in forensic investigations. The authors found that the British students were more likely to convict a defendant on the basis of testimony elicited through hypnosis than on the basis of testimony elicited with no memory aid.

Fisher, Ronald P.; Mello, Eileen W.; McCauley, Michelle R. Are jurors' perceptions of eyewitness credibility affected by the cognitive interview? *Psychology, Crime & Law*. 1999 Vol 5(1-2) 167-176.

Durham, Marcus D.; Dane, Francis C. Juror knowledge of eyewitness behavior: Evidence for the necessity of expert testimony. *Journal of Social Behavior & Personality*. 1999 Jun Vol 14(2) 299-308.

Devenport, J. L., Penrod, S. D., & Cutler, B. L. (1997). Eyewitness identification evidence: Evaluating commonsense evaluations. *Psychology, Public Policy & Law*, 3, 338-361.

Although eyewitness identifications are among the most common forms of evidence presented in criminal trials, both archival studies and psychological research suggest that eyewitnesses are frequently mistaken in their identifications (B. L. Cutler & S. D. Penrod, 1995). In recognition of this problem, the legal system has established a number of safeguards to protect defendants

from erroneous convictions resulting from mistaken identifications. These safeguards are based on assumptions regarding attorney, judge, and juror commonsense knowledge of the factors influencing eyewitness identification accuracy. This article addresses the validity of these assumptions by examining the role of commonsense knowledge in attorney, judge, and juror evaluations of eyewitness identification evidence. It concludes that, although these safeguards may not be as effective as the legal system intended them to be, there are a number of practices and policies that may be implemented to safeguard defendants further.

Geiselman, R. E., Putman, C., Korte, R., Shahriary, M., Jachimowicz, G., & Irzhevsky, V. (2002). Eyewitness expert testimony and juror decisions. *American Journal of Forensic Psychology* 20(3): 21-36.

Hundreds of research papers have been written concerning the potential inaccuracy of eyewitness recollections (1-3) and several legal remedies have been proposed including eyewitness expert testimony (4). However, relatively little research has been carried out to evaluate the effectiveness of eyewitness expert testimony on juror decision making. Experiment 1 compared the effects of both general and specific expert testimony on juror verdicts and rationales in a mock trial scenario presenting a single eyewitness to an armed robbery and murder. Only specific expert testimony, tying the principles of eyewitness psychology to the case evidence affected juror decisions. Experiment 2 evaluated the effectiveness of presenting these specifics through attorney closing arguments. Results indicated that the adversarial closing arguments led jurors to be skeptical of the eyewitness evidence, and to thereby base their decisions on other evidence. Implications for presenting eyewitness expert testimony in a court of law are discussed. 2

Wise, R. A. & Safer, M. A. (2004). What US Judges Know and Believe About Eyewitness Testimony. *Applied Cognitive Psychology*, 18, 427-443.

In a survey, 160 US judges indicated their knowledge and beliefs about eyewitness testimony. Although correct on some issues, judges were often wrong on important issues such as whether at trial eyewitness confidence is a good indicator of eyewitness accuracy, and if jurors can distinguish accurate from inaccurate witnesses. Increased knowledge was associated with: a willingness to permit legal safeguards, including expert testimony at trial; a belief that jurors have limited

knowledge of eyewitness factors; a reluctance to convict defendants solely from eyewitness testimony; a more accurate estimate of the extent to which wrongful convictions result from eyewitness error; and a belief that judges need more eyewitness training. Additional training about factors and procedures that affect eyewitness accuracy may help judges reduce the number of wrongful convictions.

Geiselman, R. Edward; Mendez, Betty A. (2005). Assistance to the Fact Finder: Eyewitness Expert Testimony Versus Attorneys' Closing Arguments. *American Journal of Forensic Psychology*, 23, 5-15.

Mistaken identity has been cited often as one of the leading causes of wrongful convictions in criminal trials. Several legal remedies have been proposed including eyewitness expert testimony. Geiselman et al. found expert testimony to improve jurors' discrimination between good and poor eyewitnessing conditions, as described in a mock trial scenario, but inclusion of attorneys' adversarial closing arguments largely eliminated the enhanced discrimination. In the present experiment, judge's instructions were included prior to the closing arguments to explain that the attorneys' arguments are not evidence. This remedy partially restored the enhanced discrimination achieved with the expert testimony alone. Without expert testimony, the closing arguments (framed by the judge's instructions) were found to nearly eliminate all juror discrimination of the eyewitness evidence in their verdicts. Implications for presenting eyewitness expert testimony in a trial are discussed.

Morgan, C. A., Hazlett, G., Doran, A., Garrett, S., Hoyt, G., Thomas, P., et al. (2004). Accuracy of eyewitness memory for persons encountered during exposure to highly intense stress. *International Journal of Law & Psychiatry*, 27(3), 265-279.

In the present study, accuracy of suspect recognition after high-stress and low-stress interrogation was assessed. We also compared accuracy of eyewitness recognition using three established law-enforcement methods for identifying crime suspects: the live lineup, the photo-spread technique, and the sequential photo method. Based on previous literature and the Department of Justice (DOJ) guidelines, we hypothesized that accuracy rates of suspect recognition would be higher when using the sequential, compared to the live lineup and photo-spread techniques. We assessed differences in accuracy in eyewitness identification for cued and uncued photographs of suspects presented during the sequential photo method. Because studies in humans have shown that memory may be facilitated by contextual cues, we hypothesized that accuracy of suspect recognition would be better for cued, compared to uncued, photographs. 509 of 530 consecutively recruited, active-duty military personnel enrolled in military survival school training were the subjects of this investigation. Contrary to the popular conception that most people would never forget the face of a clearly seen individual who had physically confronted them and threatened them for more than 30 min, a large number of subjects in this study were unable to correctly identify their perpetrator. These data provide robust evidence that eyewitness memory for persons encountered during events that are personally relevant, highly stressful, and realistic in nature may be subject to substantial error.

Leippe, Michael R.; Eisenstadt, Donna; Rauch, Shannon M.; Seib, Hope M. (2004). Timing of Eyewitness Expert Testimony, Jurors' Need for Cognition, and Case Strength as Determinants of Trial Verdicts. *Journal of Applied Psychology*. 89, 524-541.

In 2 experiments, college students read a murder-trial transcript that included or did not include court-appointed expert testimony about eyewitness memory. The testimony either preceded or followed the evidence, and the judge's final instructions reminded or did not remind jurors about the expert's testimony. Expert testimony decreased perceptions of guilt and eyewitness believability when it followed the evidence and preceded the judge's reminder. This effect occurred whether the prosecution case was moderately weak or moderately strong. Jurors' need for cognition (NC) was curvilinearly related to convictions in a strong case. Low and high NC jurors convicted less than did moderate NC jurors. Greater scrutiny by high NC jurors may make them more likely to consider evidence for the weaker side.

Devenport, Jennifer L.; Cutler, Brian L. (2004). Impact of defense-only and opposing eyewitness experts on juror judgments. *Law and Human Behavior*. 28, 569-576.

Previous research shows that expert testimony on eyewitness memory influences mock-juror judgments. We examined the extent to which opposing expert testimony mitigates the impact of defense-only expert testimony. Participants (N = 497) viewed a videotaped trial involving an eyewitness identification and individually rendered verdicts and evaluated the evidence and the experts. We manipulated the Foils (unbiased vs. biased) and Instructions (unbiased vs. biased) of the lineup and Expert Testimony (no expert vs. defense-only expert vs. opposing experts). Expert testimony did not significantly influence juror judgments, but the opposing expert testimony diminished the credibility of the defense expert in the eyes of the jurors. Results point to the need for further research on conditions that qualify the impact of expert testimony.

Lineup bias [description matching]

Fabian, T., Stadler, M., & Wetzels, P. (1996). The "authenticity error" in real lineup procedures. Effects of suspect-status and corresponding psychological dissimilarities between target person

and distractors: An experimental study. In G. Davies, S. Lloyd-Bostock, M. McMurrin, & C. Wilson (Eds.), *Psychology, law and criminal justice* (pp. 29-38). Berlin: de Gruyter.

the results of a lineup procedure can only be used as evidence in court if the witness recognizes the suspect exclusively because of the similarity between the person identified in the lineup and the mnemonic representation of the person seen before in the situation of the criminal act / in order to meet this requirement the suspect may not differ substantially from the persons used as distractors in the lineup in any particular way / even if the suspect does not differ physically from the other persons used as distractors in the lineup, he nevertheless differs in his psychological state /// [tested the following 2 hypotheses:] hypothesis 1: suspects differ in their psychological states from non-suspects used as distractors in real lineup procedures [and] hypothesis 2: suspects' behaviour in a real lineup is perceived as more authentic than the behaviour of those used as distractors / hypothesis 3 can be deduced: it is possible for non-witnesses to identify a suspect in a lineup procedure although they have never seen him before because of his different psychological state and his greater behavioural authenticity revealed by non-verbal cues

Clark, Steven; Tunnicliff, Jennifer L. Selecting lineup foils in eyewitness identification experiments: Experimental control and real-world simulation. *Law & Human Behavior*. 2001 Jun Vol 25(3) 199-216.

Experimental research on eyewitness identification follows a standard principle of experimental design. Perpetrator-present and perpetrator-absent lineups are constructed with the same foils, so that the two conditions are identical except for the presence or absence of the true perpetrator of the crime. However, this aspect of the design simulates conditions that do not correspond to those of real criminal investigations. Specifically, these conditions can create perp-absent lineups in which the foils are selected based on their similarity to an unknown person—the real perpetrator. Analysis of the similarity relations predicts that when foils for perp-absent lineups are selected based on their match to the perpetrator the false identification rate will be lower than if the foils are selected based on their match to the innocent suspect. This prediction was confirmed in an experiment that compared these two perp-absent lineup conditions. These results suggest that false identification rates in previous experiments would have been higher if the foils had been selected based on their match to the innocent suspect, rather than the absent perpetrator.

Gonzalez, R., Davis, J., & Ellsworth, P. C. (1995). Who should stand next to the suspect? Problems in the assessment of lineup fairness. *Journal of Applied Psychology*, 80(4), 525-531.

A common procedure for assessing the fairness of a lineup is to give a verbal description of the perpetrator to people who did not witness the incident and ask them to select the likely perpetrator from the lineup. If people who never saw the perpetrator nonetheless make the "right choice" significantly more often than chance, the implication is that the lineup is unfairly suggestive. Little is known, however, about the factors that might bias this mock witness procedure. Two such biasing factors were examined in this study: the arrangement of photos in the lineup and the diagnosticity of the description. The results suggest that placing the target between 2 low-similarity foils increased the likelihood that he would be chosen, but only when the verbal description contained few diagnostic features. Implications for applied researchers and the construction of lineups are discussed.

Gronlund, S. D. (2005). Sequential lineup advantage: Contributions of distinctiveness and recollection. *Applied Cognitive Psychology*, 19(1), 23-37.

One procedural safeguard that may improve the reliability of eyewitness identification is a sequential lineup. A sequential lineup (view lineup members one at a time) is thought to be superior to a simultaneous lineup (view all lineup members at the same time) because the sequential lineup appears to make it less likely that a witness will choose someone from a lineup when the police have an innocent suspect. A framework developed from Estes' (1997)

perturbation model was applied to the data from Gronlund (2004). According to the proposed framework, the sequential lineup advantage results only if distinctive information is encoded and recollection is used to access that information. Implications of this framework for lineup decision processes are discussed. An understanding of the mechanisms that underlie the sequential lineup advantage can strengthen arguments involving adoption of this procedural safeguard and improve its administration.

Memon, A., & Gabbert, F. (2003). Unravelling the effects of sequential presentation in culprit-present lineups. *Applied Cognitive Psychology* 17(6): 703-714.

It is well established that sequential presentation effects in an eyewitness situation can reduce false identification rates. The effect of a sequential presentation on the probability of accurately identifying a culprit when present in a lineup is less clear. The current study examined the efficacy of the sequential procedure in culprit present lineups approximating the real life condition where a person's appearance has changed between the time they were seen and the identification. Young (17-33 years) and older (58-80 years) witnesses viewed a video of a crime and then engaged in some filler tasks. Later they viewed a culprit-present lineup presented in a simultaneous or sequential format. Some witnesses viewed lineups in which target appearance (hairstyle) had changed and some where it had not. Sequential testing was associated with fewer choices (hits and foil choices) as compared to simultaneous testing. A change of appearance lowered hit rates in sequential test conditions among young adults. Finally, participants in sequential conditions were more likely to report that they expected the target to be present in the lineup...

Wickham, L. H. V., & Morris, P. E. (2003). Attractiveness, distinctiveness, and recognition of faces: Attractive faces can be typical or distinctive but are not better recognized. *American Journal of Psychology* 116(3): 455-468.

The debate surrounding the relationship between facial attractiveness and distinctiveness appears to arise from different definitions of distinctiveness. In our study unfamiliar faces were rated for attractiveness, age, and distinctiveness. Two measures of distinctiveness were used: ease of spotting the face in a crowd (traditional) and deviation from an average face (deviation). Recognition was not predicted by attractiveness. The traditional ratings produced a complex relationship with attractiveness, where unattractive faces were distinctive, but attractive faces were rated at all levels of distinctiveness. When the effects of age were partialled out, attractiveness no longer predicted traditional distinctiveness. However, deviation ratings produced a strong negative correlation with attractiveness, even when the effects of age were removed.

Behrman, Bruce W.; Richards, Regina E. (2005). Suspect/Foil Identification in Actual Crimes and in the Laboratory: A Reality Monitoring Analysis. *Law and Human Behavior* 29, 279-301.

Four reality monitoring variables were used to discriminate suspect from foil identifications in 183 actual criminal cases. Four hundred sixty-one identification attempts based on five and six-person lineups were analyzed. These identification attempts resulted in 238 suspect identifications and 68 foil identifications. Confidence, automatic processing, eliminative processing and feature use comprised the set of reality monitoring variables. Thirty-five verbal confidence phrases taken from police reports were assigned numerical values on a 10-point confidence scale. Automatic processing identifications were those that occurred "immediately" or "without hesitation." Eliminative processing identifications occurred when witnesses compared or eliminated persons in the lineups. Confidence, automatic processing and eliminative processing were significant predictors, but feature use was not. Confidence was the most effective discriminator. In cases that involved substantial evidence extrinsic to the identification 43% of the suspect identifications were made with high confidence, whereas only 10% of the foil identifications were made with high confidence. The results of a laboratory study using the same predictors generally paralleled the archival results. Forensic implications are discussed.

Clark, S. E. (2003). A memory and decision model for eyewitness identification. *Applied Cognitive*

Psychology 17, 629-654.

A computer simulation model of eyewitness identification called WITNESS is proposed and fit to data from three experiments: Juslin et al. (1996), Tunnicliff and Clark (2000), and Wells et al. (1993). These three experiments directly compared two procedures for selecting foils for lineups: by selecting foils that either match the photograph of the suspect or match the description of the perpetrator given by the witness. The model assumes that (a) memory of a perpetrator is incomplete and error-prone, (b) lineup alternatives are matched to this error-prone memory trace, (c) identification decisions are based on a combination of relative and absolute match information, and (d) lineup rejections are based solely on absolute match information. The model provided good fits to data, although with important deviations between the model and data. Implications and limitations of the model, as well as future development of the model, are discussed.

Hinz, T., & Pezdek, K. (2001). The effect of exposure to multiple lineups on face identification accuracy. *Law & Human Behavior*, 25(2), 185-198.

Examines the conditions under which an intervening lineup affects identification accuracy on a subsequent lineup. 160 18-55 yr olds observed a photograph of one target individual for 60 sec. One week later, they viewed an intervening target-absent lineup and were asked to identify the target individual. Two days later, Ss were shown 1 of 3 6-person lineups that included a different photograph of the target face (present or absent), a foil face from the intervening lineup (present or absent), plus additional foil faces. The hit rate was higher when the foil face from the intervening lineup was absent from the test lineup and the false alarm rate was greater when the target face was absent from the test lineup. The results suggest that simply being exposed to an innocent suspect in an intervening lineup, whether that innocent suspect is identified by the witness or not, increases the probability of misidentifying the innocent suspect and decreases the probability of correctly identifying the true perpetrator in a subsequent test lineup. The implications of these findings both for police lineup procedures and for the interpretation of lineup results in the courtroom are discussed.

Cross-Race Bias

Smith, Steven M.; Stinson, Veronica; Prosser, Matthew A. (2004). Do They All Look Alike? An Exploration of Decision- Making Strategies in Cross-Race Facial Identifications. *Canadian Journal of Behavioural Science*. 36, 146-154

MacLin, O. H. and R. S. Malpass (2001). "Racial categorization of faces: The ambiguous race face effect." *Psychology, Public Policy, & Law* 7(1): 98-118.

Smith, Steven M.; Lindsay, R. C. L.; Pryke, Sean; Dysart, Jennifer E. (2001). Postdictors of eyewitness errors: Can false identifications be diagnosed in the cross-race situation? *Psychology, Public Policy, & Law*, 7, 153-169.

MacLin, Otto H.; MacLin, M. Kimberly; Malpass, Roy S. MacLin, O. H. *Psychology, Public Policy, & Law*. 2001 Mar Vol 7(1) 134-152. Race, arousal, attention, exposure and delay: An examination of factors moderating face recognition.

A large percentage of people recently exonerated by DNA evidence were imprisoned on the basis of faulty eyewitness identification. Many of these cases involved victims and suspects of different races. Two studies examined the recognition of Hispanic and Black target faces by Hispanic participants under nonoptimal viewing conditions. When viewing time decreased, recognition performance for same- and other-race faces systematically shifted downward.

Recognition accuracy for faces of both races decreased under conditions of high negative arousal and attention load; however, recognition of same-race faces was differentially affected by attention distractors. Face recognition accuracy was not affected by a delay between initial presentation of the faces and the face recognition test. An understanding of how recognition of other-race persons differs from that of same-race persons can assist by reducing misidentifications and ensuring that the perpetrator rather than an innocent person is imprisoned.

Wright, D. B., Boyd, C. E., & Tredoux, C. G. (2003). Inter-racial contact and the own-race bias for face recognition in South Africa and England. *Applied Cognitive Psychology* 17(3): 365-373.

Own-race bias, where people are more accurate recognizing faces of people from their own race than other races, can lead to misidentification and, in some cases, innocent people being convicted. This bias was explored in South Africa and England, using Black and White participants. People were shown several photographs of Black and White faces and were later asked if they had seen these faces (and several fillers). In addition, participants were given a questionnaire about inter-racial contact. Cross-race identification accuracy for Black participants was positively correlated with self-reported inter-racial contact. The confidence-accuracy relationship was strongest when making own-race judgements.

Dore, Heather S. The own-race bias in children's eyewitness memory. *Dissertation Abstracts International: Section B: The Sciences and Engineering*. 63(3-B), Sep 2002, 1608.

Slone, Ashlyn E., Brigham, John C., Meissner, Christian A. . (2000). Social and Cognitive Factors Affecting the Own-Race Bias in Whites. *Basic and Applied Social Psychology*, 22, 71-84.

Lindholm, Torun; Christianson, Sven-Ake (1998). Intergroup Biases and Eyewitness Testimony. *Journal of Social Psychology*, 138, 710-723.

Provides information on a study that examined how the in-group/out group status of a perpetrator of a distinctly violent crime might influence an eyewitness' evaluation of his behavior and witness' performance in an identification task. Methodology of the study; Factors forming the basis for determining the culpability of a defendant in a criminal trial.

Wells, Gary L.; Olson, Elizabeth A. The other-race effect in eyewitness identification: What do we do about it? *Psychology, Public Policy, & Law*. 2001 Mar Vol 7(1) 230-246.

Meissner, Christian A.; Brigham, John C. Thirty years of investigating the own-race bias in memory for faces: A meta-analytic review. *Psychology, Public Policy, & Law*. 2001 Mar Vol 7(1) 3-35

Pezdek, K., I. Blandon-Gitlin, et al. (2003). "Children's face recognition memory: More evidence for the cross-race effect." *Journal of Applied Psychology* 88(4): 760-763.

Lineup Fairness

Pryke, S., Lindsay, R. C. L., Dysart, J. E., & Dupuis, P. (2004). Multiple Independent Identification Decisions: A Method of Calibrating Eyewitness Identifications. *Journal of Applied Psychology* 89(1): 73-84.

Two experiments (N = 147 and N = 90) explored the use of multiple independent lineups to identify a target seen live. In Experiment 1, simultaneous face, body, and sequential voice lineups were used. In Experiment 2, sequential face, body, voice, and clothing lineups were used. Both studies demonstrated that multiple identifications (by the same witness) from independent lineups

of different features are highly diagnostic of suspect guilt (G. L. Wells & R. C. L. Lindsay, 1980). The number of suspect and foil selections from multiple independent lineups provides a powerful method of calibrating the accuracy of eyewitness identification. Implications for use of current methods are discussed.

Clark, Steven; Tunnicliff, Jennifer L. Selecting lineup foils in eyewitness identification experiments: Experimental control and real-world simulation. *Law & Human Behavior*. 2001 Jun Vol 25(3) 199-216.

Experimental research on eyewitness identification follows a standard principle of experimental design. Perpetrator-present and perpetrator-absent lineups are constructed with the same foils, so that the two conditions are identical except for the presence or absence of the true perpetrator of the crime. However, this aspect of the design simulates conditions that do not correspond to those of real criminal investigations. Specifically, these conditions can create perp-absent lineups in which the foils are selected based on their similarity to an unknown person—the real perpetrator. Analysis of the similarity relations predicts that when foils for perp-absent lineups are selected based on their match to the perpetrator the false identification rate will be lower than if the foils are selected based on their match to the innocent suspect. This prediction was confirmed in an experiment