The Role of Eyewitness Testimony Should Be Re-Evaluated

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In this paper, I argue that the role of eyewitness testimony should be re-evaluated. Eyewitness testimony refers to an individual's recollection of all the details associated with the events they observed during an alleged crime (Laney & Loftus, 2011). Eyewitness testimony is an essential source of information for officials involved in legal cases as it plays an important role in determining the outcome of a trial. For example, as reported by Nelson et al. (2009), Ronald Cotton, a rape suspect, was arrested and sentenced to life imprisonment. The suspect was later cleared of all charges and was provided with compensation for the wrong conviction as the judge merely considered the testimony of Jennifer Thompson, one of the two victims. Reliance on eyewitness testimony can increase the number of wrongful convictions and impact the reputation and reliability of the justice system. As such, this paper discusses the issues and challenges surrounding the use of eyewitness testimony in court proceedings.

I support my position of re-evaluating the role of eyewitness testimony with the following three arguments. First, I argue that eyewitness testimony relies solely on the witness's memory power. As reported by Albert and Garrett (2022), visual perception and memory are the primary components of eyewitness testimony, which can be unreliable and distorted, leading to inaccuracies in the testimony. Second, I explain that eyewitness testimony is susceptible to manipulation. Individuals can intentionally provide inaccurate information while testifying in court, which may include not only events they did not see but also events that never occurred (Wade et al., 2009). Finally, I claim that the emotions of eyewitnesses can impact their testimony and recollection of events. According to an experiment by Von Liszt at the University of Berlin, memories of events that induce fear and a sense of danger tend to differ from those of emotionally neutral events (Głomb, 2021).

I also consider three alternatives to my position. First, opponents argue that eyewitness testimony is necessary during a trial as it provides information about a murderer's appearance and other important aspects. According to Wells and Loftus (2003), eyewitness testimony is considered direct evidence in court compared to fingerprints, which can only indicate whether a person touched an item or not. Second, opponents' arguments may include that eyewitness testimony provides an exact timeline of the events. As shown in a report by Mats Dahl et al. (2018), the presence of 13 witnesses enabled the police to analyse an exact series of events. Finally, opponents' claim would include eyewitness testimony provides primary source information about the events and crucial details about the crime scene and the people involved. Zahra et al. (2020) claimed that bystanders and other eyewitnesses may provide firsthand details about the crime scene, which is quite helpful for law enforcement agencies and humanitarian organizations that raise awareness. While these arguments have some merit, they can be challenged by providing evidence wherein the memory of the eyewitnesses was modified, and important ones were omitted that were quite crucial from a legal point of view (Zahra et al., 2020). Therefore, it is not recommended to rely on eyewitness testimonies in criminal cases that could significantly impact a person's life.

This paper discusses the flaws and issues of relying on eyewitness testimony as primary evidence in legal trials. It addresses questions such as the "errors associated with witness testimonies," recommendations such as "thoroughly verifying the source of testimony," and "giving more importance to other evidence that can be forensically tested and stored for further analysis." By addressing these issues, the goal of this paper is to shed light on the difficulties of analysing eyewitness testimony and encourage a re-evaluation of its role in increasing the credibility of the judicial system.

Negative Aspects of Eyewitness Testimony

Eyewitness testimony has several negative factors that can lead to wrongful convictions. One of the significant factors involved is the memory of the eyewitness, which is quite time-sensitive. Another factor to consider is that people are susceptible to manipulation, and lawyers may take advantage of this to make the case favourable to their side. Additionally, eyewitnesses often go through various emotions, from witnessing the event to being questioned, which can significantly affect the reliability of their testimony. Therefore, even though eyewitness testimony provides vital information and strengthens the case, it tends to be unreliable and fallible to rely upon.

Time Sensitivity of Information

In the process of delivering a verdict on a criminal case, there can be a significant delay, ranging from days to months or even years. For instance, the final verdict in the Nirbhaya case, which resulted in a death sentence in India, was delivered after a lengthy eight-year process (Arora, 2020). Such prolonged delays in the final verdicts of cases can lead to distorted recollections, resulting in false memories. Studies by the US Department of Justice indicate that human memory can be distorted or corrupted within the first 48 hours, making it unreliable as time passes (Kanable, 2006). As cases take longer to finalize, the validity and accuracy of eyewitness testimony tend to decrease.

In addition to the possibility of building false memories over time, memory can be altered when recalling the events, especially when remembering the sequence. As reported by Brainerd and Reyna (2005), officials often receive only a partial account of events from eyewitnesses, mainly because of the limitations of human memory. Brainerd and Reyna also report that memory can be distorted by normal forgetting tendency or with the help of external influences such as hearing audio or seeing related video recordings, which may introduce new information fragments to the existing ones. Furthermore, the brain substitutes

information based on prior beliefs and experiences. Our lives are filled with redundancies, and our memory tends to use and follow patterns by forming schemas or memory templates (Laney & Loftus, 2011). This repetition of memories can sometimes lead to the inclusion of incorrect facts or false statements because of the brain's tendency to substitute information based on prior beliefs and experiences.

Susceptibility to Manipulation

Eyewitness testimony is often the type of evidence that can be easily manipulated in favour of a particular case during a trial. Cantemir-Stoica (2016) highlights that manipulation can take various forms, ranging from threatening or coercing witnesses to more aggressive techniques aimed at persuading them to provide false statements to the judge or preventing them from testifying against the offender in court. According to a statistical report by the New York Times, from 1980 to 2003, at least 19 witnesses were killed because of witness tampering in the US (Chen, 2009). This kind of manipulation can significantly affect the reliability of eyewitness testimony, leading to the convictions of innocent people and allowing the actual perpetrator to go free.

Another important point to be noted besides intentional manipulation is that eyewitnesses can be unknowingly manipulated when leading questions are asked. For example, Laney and Loftus (2011) described a research method in which participants were given a story about a class prank that did not happen in their childhood. The research results concluded that people falsely claimed that they had begun to remember the class prank. This result shows that witnesses can be easily persuaded to provide false information, favouring a trial for respective lawyers. Adding to this argument, Greene (2018) argues that memory does not work like a video recorder that replays a recorded scenario accurately each time it is played back. This key aspect is closely associated with the scenario where witnesses are being questioned by prosecutors, as the questioning could introduce new memory fragments,

which may unconsciously be added to the existing memory. As a result, incorrect or false statements that are influenced by external factors can lead to wrongful convictions.

Impact of Emotions on Testimony

Various situations and environmental factors trigger emotions, ranging from happiness to extreme aggression. Emotions do affect our mental state, that can, in turn, affect our memory. The emotions present in that specific scenario have a significant influence on the attention span as well as other cognitive functions in the human brain, including learning, perception, and memory (Tyng et al., 2017). This state is in the case of a normal situation; however, when a person witnesses a crime, emotions can have an even more significant impact. As explained by Glomb (2019), an experiment was conducted at the University of Berlin to study the impact of emotions on human memory, specifically about remembering a crime. The research involved creating a scenario with life-threatening elements to induce fear or a fight-or-flight response. The results indicated that memories of events with this type of response are more likely to be distorted and misreported than those of emotionally neutral events.

Following the direct impact of emotions on our memory, witnessing a traumatizing event can lead to long-term health and medical conditions. The mental disorders experienced by the witnesses include depression, anxiety, and post-traumatic stress disorder (Victim & Witness Care Unit, n.d.). These conditions can significantly alter a person's memory and affect emotional well-being. PTSD (Post-Traumatic Stress Disorder), in particular, can result in memory loss and can affect the working memory, which is responsible for storing and recalling short-term information (Lockett, 2023). Therefore, emotions tend to take a toll on people's memory, significantly affecting the reliability of their testimony.

Positive Aspects of Eyewitness Testimony

Some individuals believe that re-evaluating eyewitness testimony is not necessary. Critics argue that eyewitness testimony can offer insights into the murderer of the crime. Furthermore, eyewitness testimony is considered a reliable source of information for understanding the exact sequence of events. Many also argue that eyewitnesses can provide details about the crime scene that can be beneficial to the authorities. While these arguments have some validity, it is also important to consider the potential weaknesses of eyewitness testimony.

Insights About the Offender

Critics claim that eyewitness testimony is considered crucial in investigations as it provides primary information about the person responsible for the crime. Testimonies are particularly important in the initial stages of an investigation when the true motive behind the crime is yet to be known. As reported by Yang and Smith (2022), once the case builds up various suspects, the police present them to the eyewitnesses for identification through a lineup. During a lineup, the police present the suspects along with known innocent people called fillers. Often, the offender's image is not directly obtainable, and therefore, a sketch made by a sketch artist or modern technology serves as the best alternative. According to Zhan et al. (2016), this technique helps to narrow down the number of suspects in the case and wanted notices can be posted to track down the perpetrator. Zhan et al. also report that various technologies are being developed to obtain the most accurate image of the offender, such as facial composite software, which helps to extract data from eyewitness testimony and reduces the number of wrongful arrests.

While eyewitnesses provide officials with primary information about offenders, it is quite unreliable to rely upon this evidence. The major drawback in this situation is the aspect of familiarity between the witness and the defendant. According to Wittwer et al. (2022),

eyewitnesses who reported a lower lack of familiarity were more likely to be inaccurate than those who reported a higher lack of familiarity when presented with targets or suspects by officials. This familiarity bias is an important factor to consider when the police and other officials take statements from witnesses present during the trial. Furthermore, Sheahan et al. (2021) posit that various eyewitness research studies conducted over the years are mainly based on stranger identifications or stranger suspects, which may not be effective when the suspect is known to the witness or had any prior contact. Sheahan et al. go on to explain that adolescent eyewitnesses tend to feel pressured to make a decision among the lineups that have been presented, as they may want to appease the investigator and choose the lineup or group of suspects where the guilty person is not present. These types of decisions are mainly because eyewitnesses are often susceptible to social pressure, particularly in legal contexts.

Timeline of the Crime

Many people argue that eyewitness testimony during a trial can help officials determine the sequence of events that occurred, leading to various leads in the case. According to Shapiro (2009), eyewitness testimony is crucial in describing what occurred during the crime, acting as a crucial investigative lead that assists the case in the arrest and prosecution of criminals. The sequence of events is important to authorities, as it provides insight into the motive and helps identify suspects. Considering the timeline of events in all cases, such as criminal and personal injury cases, helps to understand the situation better and reach a fair verdict. Szleszkowski (2017) highlights that officials were able to determine the details of how a 58-year-old male zoo employee was attacked by a Sumatran tiger while preparing the runway with the help of another zoo employee who presented himself as eyewitness testimony. This recollection can aid the officials in understanding the events that occurred during the crime and the motive behind the offender's actions.

Although eyewitness testimony provides a sequential order of the events in a crime, various studies have suggested that this information is vulnerable to misinformation. Eyewitnesses are often exposed to various information about a crime scene, including leading questions from officials and discussions with co-witnesses (Jack, 2012). This effect was first studied by Elizabeth Loftus and her colleagues, who termed it the "misinformation effect" in the late 1970s. The author goes on to explain that when secondary information is incorrect and has been received by witnesses, it can adversely affect the accuracy of their testimony. Additionally, the state of intoxication can play an important role in deciding the accuracy and reliability of witness testimony. According to a lab report by Bartlett et al. (2022) on the effects of alcohol on co-witnesses, witnesses with low to moderate levels of alcohol in their bodies are more likely to provide less accurate details in their memory. Alcohol has a significant impact on a person's memory during this period. For instance, alcohol and other drugs can cause changes in a person's internal environment, making it difficult for them to recall information they witnessed or learned while being in a sober state (Birnbaum & Parker, 2024). Therefore, the presence of alcohol in the body and external misinformation can lead to unreliable eyewitness testimony.

Details of the Crime Scene

Critics suggest that, during a crime investigation, officials typically gather as much evidence as possible to gain a better understanding of the case. Eyewitness accounts often play a crucial role in further investigations when physical evidence is lacking and can be extremely valuable in making informed decisions and reaching a final verdict (Chan et al., 2017). When officials begin a case with no evidence and have little understanding of the situation, testimonies from witnesses at the scene provide clarity and help them understand the depth of the case. These witness statements provide valuable details and descriptions of the crime and perpetrators, aiding the police in generating leads and solving the case (Cutler

et al., 2010). Additionally, it is important to consider various factors that enhance the credibility of witnesses who are admitted during the investigation. Shapiro (2009) points out that adult testimonies are typically more detailed and accurate, providing officials with valid leads during investigations. Subsequently, it has been observed that females, young adults, and children have better episodic memory recall and can remember stories more accurately. This recall ability enhances their reliability when giving testimony about a crime scene, as they can provide clear and accurate details to the officials (Areh, 2011).

Despite the fact that eyewitness testimony provides major details of a crime scene, studies have shown that witnesses often experience inattentional blindness. Unintentional blindness refers to a situation in which individuals overlook unexpected events in their line of vision despite looking directly at them (Simons et al., 2024). Adding to this statement, Cullen et al. (2021) explain that this blindness can lead to witnesses leaving out important details of the crime that occurred right in front of them when they are not expecting it or their focus is on something else, thereby affecting the accuracy of their testimony. In addition, the human vision can be influenced by various factors in the environment, causing them to perceive things differently than they actually are. Aspects such as lighting and obscured illumination play an important role in the identification and perception of people and can impact the accuracy of eyewitness testimony (Tredoux et al., 2005). Therefore, despite eyewitness testimonies being significant for investigations, the visual ability of humans can be impacted by many factors, making them unreliable to rely upon.

Conclusion

Re-evaluating the role of eyewitness testimonies in trials is critical for enhancing the reliability of the country's legal system. Several factors related to the reliability issues demand a closer examination of testimonies given by eyewitnesses. One key reason is that human memory can be faulty and prone to distortion over time. Another negative aspect of

eyewitness testimonies is that testimonies can be manipulated to achieve a desired verdict for the lawyers. In addition, emotions also play a role in how eyewitnesses comprehend visual information and recall it during the questioning by the officials.

Despite the potential drawbacks, some critics perceive eyewitness testimonies as a valuable source of evidence during a trial. Some people argue that eyewitnesses can provide insights about the appearance of the offender, which can be helpful in a case. However, there is a high probability of familiarity bias affecting the reliability of the testimony. Supporters of eyewitness testimony also argue that it can reveal the sequence of events and the main motive behind the crime. However, alcohol consumption and the misinformation effect can impact the eyewitness's ability to understand and remember events accurately. In addition, critics argue that eyewitnesses can provide in-depth details about the scene. However, they are also prone to inattentional bias and external factors that may distort their perception of events.

There are two recommendations that the country's legal justice system should consider before relying on eyewitness testimony as evidence. The first is to ensure that the testimony is reliable and has not been manipulated. Reliable testimonies can be obtained by subjecting the testimony to rigorous verification processes, including a thorough examination of the witness profile, and cross-checking the testimonies with other witness reports or evidence. The second recommendation is to provide higher importance to other physical evidence, such as fingerprints found from the items at the crime scene, pieces of cloth of the offender or victim, and hair samples from where the crime or other offence occurred. This physical evidence is crucial as it can be tested for accuracy and stored for a long time as needed for the case. By adhering to these recommendations, officials can avoid incorrect verdicts resulting from biased eyewitness testimonies.

Although eyewitness testimony provides significant details about an offence, it is important to understand that it can be quite unreliable. Encouraging the legal system of the

country to incorporate other means of evidence to ensure that the correct offender is punished is of utmost importance. By using various methods and approaches, the legal system can ensure that justice is served and prevent any miscarriages in the system, thus promoting fair and accurate judgements. Officials must acknowledge the fact that an incorrect verdict can drastically change a person's destiny, leading to severe consequences in their life.

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