

Are eyewitnesses less reliable than previously believed?

Written by Australian Business

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Eyewitness accounts have long held a place as a crucial part of trials in Kenton County, Kentucky, and elsewhere. The testimony of witnesses can be a deciding factor in cases ranging from alleged theft to assault, but recent research brings a troubling fact to light: eyewitnesses may not be as accurate as people expect. From the brain's reaction to stress to the way authorities present suspects, there are many factors that can distort eyewitness memories and interpretations.

Flaws in human memory

People have long believed that shocking or frightening events sharpen the senses and memory, but research indicates otherwise. Science Daily cites a set of Swedish studies that found that witnesses remember the broad picture much more accurately than the important details that may help identify or incriminate a suspect. The same studies found that recounting an event makes eyewitnesses more likely to deviate from what truly happened.

There are various factors that can contribute to the way that eyewitnesses take in a scene and the way that they interpret their memories later. The American Bar Association identifies the following influences:-In stressful or violent situations, such as an assault, memory tends to be less reliable.-The presence of a weapon can distract eyewitnesses to the point that they are 10 percent less accurate in identifying suspects.-Witnesses are less likely to correctly identify a suspect of a different race.-Cues from authorities can encourage or lead eyewitnesses to pick a certain person from a lineup or from photographs.-Once a witness has misidentified a suspect, he or she is unlikely to later contradict or correct the identification.

It is clear that, even when witnesses have the best intentions and believe that they remember an event vividly, their recollections are not infallible -- which poses a challenge for law enforcement as well as juries.

Working with eyewitness limitations

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Some issues with eyewitness accounts are inescapable, but there are ways to prevent certain errors. The Stanford Journal of Legal Studies reports that research repeatedly has shown that people can develop false memories, especially if other people suggest them. The American Bar Association notes that the potential of this happening could be limited if authorities conducted double-blind lineups and didn't give witnesses feedback after they made identifications.

In a case that goes to trial, the defense attorney can make the jury aware of the potential fallacies of eyewitness accounts. Witnesses who seem well meaning or absolutely certain of what they saw can be compelling, so it is important for juries to understand that there are inherently limits to the accuracy of human memory.

People who are facing criminal charges supported by eyewitness accounts should consult with a criminal defense lawyer to find out what their best options are.