



Preventing False Convictions in Los Angeles County by Assessing the Reliability of Eyewitness Identification



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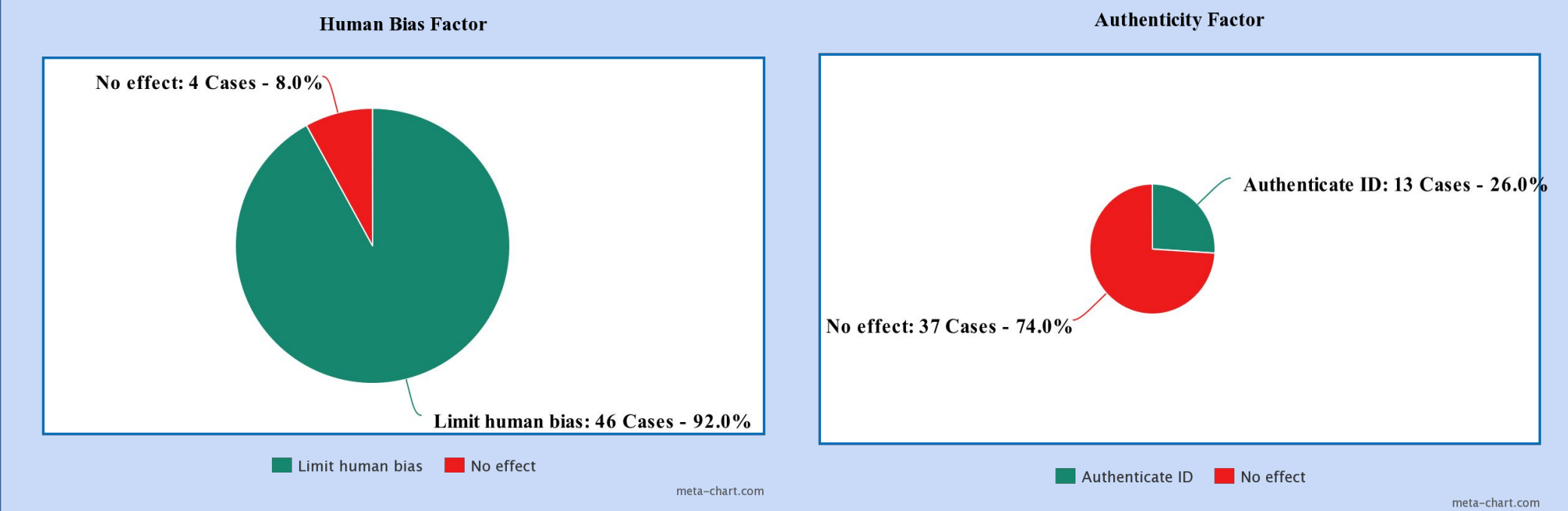
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Abstract

Throughout the process of identifying a suspect as the perpetrator of a crime, police questioning, ability of sight, and various circumstances attribute to the accuracy of the identification. According to a Michigan State University study, around 2-10% of all court cases convict an innocent individual in regards to the crime (Grisham, 2018, p. 2). In many eyewitness identification cases, which appear in one third of all court cases, the conviction of a witness, who saw the crime occur, often proves to be the deciding factor in a case without known reliable evidence. Based on these findings, the research was shifted to focus on Los Angeles County, California, where the crime rate is nine times higher than the national median, and propose viable solutions to this issue. Ultimately, this paper strives to produce valuable data from these methods in order to construct a feasible conclusion based on the effectiveness of eyewitness experts when called to testify in the courtroom.

Methods

In order to reach a conclusion on the effectiveness of experts in courts, the first step was to research examples of cases, 50 total from 1975 to present day in the United States, in which an eyewitness expert was called to testify for the individual facing charges for a crime. Similarly to the method of studying cases used by Wells, Memon, and Penrod (2006), the varying impacts of eyewitness experts were found. In their study, the factors of defendants being either guilty or innocent in a case were measured, whereas in this study, the factors are based off of eyewitness expert impacts which were categorized by two variables: whether the expert was able to limit human bias or not, and whether the expert was able to authenticate an identification. Limiting human bias refers to giving the testimony and being able to give an outlook on how the evidence submitted for the case was viewed. By effectively containing the power of a witness, courts would more easily be able to rely on other evidence and more accurately decide on a verdict or conviction. Authentication of an identification means completely validating or rejecting evidence, so that the identification made can be further used or discarded when deciding on a verdict. The interviewee of the study was Dr. Paul Michel, an optometrist from Colorado, who is also an eyewitness expert. Over the course of his expert career, he has worked in 52 cases throughout the United States by validating eyewitness identifications in court cases by assessing the visual limitations and factors of the time a witness saw an event.



Charts 1 & 2. Experts: Case Studies (1975-2018)

Introduction

Out of 362 DNA-exonerated prisoners recorded by the *Innocence Project*, 70% involved an instance of eyewitness misidentification, resulting in more than 5,000 years of total prison time served by innocent individuals (2019). Multiple studies have discussed the unreliability and varying factors of the human memory, which should be taken into account when juries decide whether or not to convict an individual. In other words, juries are often heavily influenced by an identification made by another human, leading to a lenient decision in many cases that may be detrimental to an innocent suspect. Moreover, improving the practices of eyewitness testimony in criminal court cases, including taking into account the validity of an identification with an eyewitness expert, would most-likely help decrease the amount of false convictions caused by eyewitness misidentification. While current wrongly convicted prisoners may only be exonerated through deoxyribose nucleic acid (DNA) evidence as time passes, encouraging improvements in the court system may help falsely convicted individuals of eyewitness misidentification in the future from losing valuable time from their lives in prison, as well as keeping those who cannot be saved by DNA traces out. DNA tests are accurate in around 99% of tests, and can be used if traces of blood, saliva, semen, hair, or other identifying parts of an individual are found at a crime scene to testify against a matching suspect. Historically, most of the crimes in which an eyewitness identification affects a conviction in court are violent, including murder, rape, or kidnapping. Consequently, the sentences on these cases are longer on average, showing the urgency of court reforms in Los Angeles County to prevent innocent individuals from serving that time. Encouraging the utilization of an eyewitness expert in various fields such as police officer training for investigation and providing information for a case would help drastically increase the amount of exonerations in the country as well as decrease the amount of false convictions in courts.

Results

Out of the 50 cases studied since 1975, 46 of them (92%), proved that an eyewitness expert was able to limit human bias in the court. For example, in the case of *Moreno v. Texas* in 1997, the expert testifying for the defendant proved that the eyewitness identification submitted was not as reliable as it was perceived. As a result, Ricardo Moreno was able to overturn his original conviction of intoxicated driving through the retrial with an eyewitness expert. On the other hand, one of the four cases in which an expert did not effectively limit human bias was the case of Selwyn Days, where he still falsely confessed to committing murder in the state of New York despite the help of an eyewitness expert. Moreover, in 13 out of the 50 cases (26%), an eyewitness expert was able to determine the validity of the identification. For instance, psychology professor Geoffrey Loftus was able to confirm that the identification of Darrell Edwards in 1995 was invalid and helped him prevent jail time for murder in New Jersey. Furthermore, Paul Michel was able to confirm the description of a witness based on the light and distance the witness viewed the suspect at in 1999. As a result, Kerry Max Cook was freed from prison after serving 20 years for a murder in Texas that he was put on death row for. The first witness believed the suspect had grey hair, while Cook had jet black hair, and Dr. Michel was able to testify that the first witness' description was accurate due to the fact that she had viewed the murderer from 10 feet in sufficient lighting.

Discussion

Based on the cases studied from 1975 to 2018, the data shows that eyewitness experts are extremely helpful in the majority of criminal cases, and are necessary for the freedom and justice of individuals facing false convictions. In many cases, the jury was informed of an identification that was biased on behalf of police questioning, evidence gatherers, or even the witness themselves, and did not take this into proper consideration. With careful regulations, the court system should be well supervised to prevent impartial identifications from occurring because of one person, whose motives may be to convict an innocent individual. Although there will not be a way for research to completely halt corruption in courts, the implementation of various strict regulations on police questioners, jailhouse informants, and more would help courts to have a better understanding of eyewitness identifications and help innocent citizens stay out of a dreadful prison. Since 1989, there have been 63 exonerations of individuals in Los Angeles County alone, proving that even with recent reforms, there is still concern over improper court practices throughout the United States. In most cases of a misidentification of a criminal, the pressure from police officers while guiding the investigation has drastically impacted an identification. For example, a police officer may intentionally or unintentionally persuade the witness to choose the suspect that is under suspicion of the crime. As a result, the courts may accept this identification as evidence and go on to wrongfully convict an innocent individual due to misconduct. On the other hand, witnesses may be subject to inaccurate identifications as a result of cross-racial identification, the concept of attempting to recognize a face of a different race.

Conclusion

Ultimately, the expansion of eyewitness expert testimony would help decrease the amount of false convictions in Los Angeles County and the rest of the country. With the increased involvement of professionals in court cases, there will be less human bias in identifying suspects for a crime, and a higher volume of valuable evidence that is reliable to be used in court. Although many individuals who are prosecuted for a crime they did not commit seek outside help, many do not know of the importance of an eyewitness expert may have if the case involves identifications. Based on the research, there can be several experts including psychologists, optometrists, and other specialized professionals to bring the most efficient justice to Los Angeles County criminal cases. In the end, eyewitness experts are a viable tool in helping innocent individuals avoid serving sentences they do not deserve and preserving justice throughout the country.

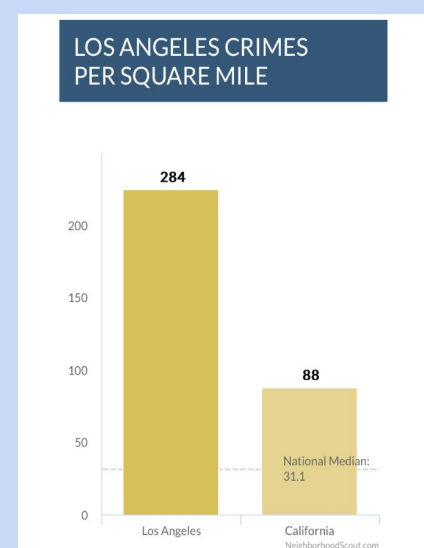


Table 1. Violent Crime Rate (Los Angeles County, CA)

	MURDER	RAPE	ROBBERY	ASSAULT
Report Total	282	2,482	10,927	17,118
Rate per 1,000	0.07	0.62	2.73	4.28

Table 2. Experts: Case Studies (1975-2018)

	✓	⊘	%
Authentication	13	37	26
Limitation	46	4	92

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