

Why Science Tells Us Not to Rely on Eyewitness Accounts

Eyewitness testimony is fickle and, all too often, shockingly inaccurate

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IN 1984 KIRK BLOODSWORTH was convicted of the rape and murder of a nine-year-old girl and sentenced to the gas chamber—an outcome that rested largely on the testimony of five eyewitnesses. After Bloodsworth served nine years in prison, DNA testing proved him to be innocent. Such devastating mistakes by eyewitnesses are not rare, according to a report by the Innocence Project, an organization affiliated with the Benjamin N. Cardozo School of Law at Yeshiva University that uses DNA testing to exonerate those wrongfully convicted of crimes. Since the 1990s, when DNA testing was first introduced, Innocence Project researchers have reported that 73 percent of the 239 convictions overturned through DNA testing were based on eyewitness testimony. One third of these overturned cases rested on the testimony of two or more mistaken eyewitnesses. How could so many eyewitnesses be wrong?

Eyewitness identification typically involves selecting the alleged perpetrator from a police lineup, but it can also be based on police sketches and other methods. Soon after selecting a suspect, eyewitnesses are asked to make a formal statement confirming the ID and to try to recall

any other details about events surrounding the crime. At the trial, which may be years later, eyewitnesses usually testify in court. Because individuals with certain psychological disorders, such as antisocial personality disorder and substance dependence, are at high risk for criminal involvement, they are also at heightened risk for false identifications by eyewitnesses.

Surveys show that most jurors place heavy weight on eyewitness testimony when deciding whether a suspect is guilty. But although eyewitness reports are sometimes accurate, jurors should not accept them uncritically because of the many factors that can bias such reports. For example, jurors tend to give more weight to the testimony of eyewitnesses who report that they are very sure about their identifications even though most studies indicate that highly confident eyewitnesses are generally only slightly more accurate—and sometimes no more so—than those who are less confident. In addition to educating jurors about the uncertainties surrounding eyewitness testimony, adhering to specific rules for the process of identifying suspects can make that testimony more accurate.

Reconstructing Memories

The uncritical acceptance of eyewitness accounts may stem from a popular misconception of how memory works. Many people believe that human memory works like a video recorder: the mind records events and then, on cue, plays back an exact replica of them. On the contrary, psychologists have found that memories are reconstructed rather than played back each time we recall them. The act of remembering, says eminent memory