

Unreliability of Eyewitness Testimony: Past and Present

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Abstract

Eyewitness testimony has been around for quite a few decades and still suffers from the problem of unreliability. Chapter 1 will analyze the historical and contemporary views of eyewitness testimony demonstrating how both view this process as erroneous. Chapter 2 discusses specific challenges that eyewitness testimony contains in its characteristics of lineups. Aspects such as identifying masked criminals in a lineup, biased instructions given during identification, and effects of administrator knowledge will be analyzed. Chapter 3 describes the current problems that Rikers Island is having. There has been a rapid increase in incarcerations and wrongful convictions causing overpopulation in prisons like Rikers. Topics such as frequently admitted individuals, who deserves to go to prison, and problems correction officers face will be covered. Possible solutions to these problems will be provided as well. Chapter 4 will contain a personal reflection about my internship at Staten Island University Hospital in their Behavioral Science Department and comparisons are made with the other chapters.

Keywords: Eyewitness testimony, unreliability, erroneous, lineups, Rikers Island, Staten Island University Hospital, Behavioral Science Department

Chapter 1

Historical Influences Behind Eyewitness Testimony

The United States justice system has been relying on eyewitness testimony for over 100 years. According to Stern (1910) using the words “Testimony” or “Report” refers to the “verbal expression of a recollection” (p. 271). Stern (1910) also stated the word “Recollection” means the “complex of memorial ideas which has reference to a definite objective constellation of facts, and of the conditions upon which this accuracy depends” (p. 271). The primary reason for testimony is to determine its accuracy, the agreement between the recollection and the facts, and conditions upon which this accuracy depends (Stern, 1910). After all, what good is an eyewitness testimony if it is a recollection of false events? When it comes to eyewitness testimony, there are many historical figures that influenced how this process was carried out under the law and paved the way for how it is viewed today. Historical views on eyewitness testimony remain similar to contemporary views in that this process is erroneous and occasionally unreliable. Psychology did not become connected to the law until historical figure Hugo Münsterberg made various attempts to incorporate the two. It baffled him to think that the law had never depended on the findings and study of psychology.

Hugo Münsterberg’s Early Life

Hugo Münsterberg made his attempts to intertwine psychology and law in the early twentieth century. Münsterberg was born in 1863 in the Prussian city of Danzig and is widely known nowadays for founding applied psychology (Weiss & Xuan, 2015). He was the son of a lumber merchant and an artist. During his early life, he had a greater interest in poetry than science but was on a path to achieve a career in medicine. This all changed when he sat in on the lectures of Wilhelm Wundt in 1883. Wundt was the first person to have the title psychologist and

was the founder of experimental psychology. Ultimately, he was the influence that drove Münsterberg to a career in psychology. Münsterberg then started working as a research assistant in Wundt's laboratory at the University of Leipzig and moved abroad to Germany. The two started to have disagreements while working together. Their biggest argument was on the application of psychology and Münsterberg disagreed with Wundt's statement that psychology "should remain a pure science without pragmatic concerns" (Weiss & Xuan, 2015, p. 2).

Münsterberg completed his PhD. in physiological psychology at the age of 22 and attended the University of Heidelberg for medical school (Weiss & Xuan, 2015). He went on to have an academic career at the University of Freiberg where he became close with biologist Franz Keibel. Münsterberg conducted experimental research on attention, memory, and perception. His work began to draw lots of attention especially that of William James at Harvard. William James was a psychologist who coined the term functionalism in psychology and was the first person to teach a psychology course in the United States. The two had met previously while at the First International Congress of Psychology at Paris in 1889. Their interaction marked a turning point in history. James wrote Münsterberg a letter detailing how he wanted him to be the Chairman of the Psychological Laboratory at Harvard. This letter, dated back to 1890, shows James' interest in Münsterberg's experiments and his recognition in the statement that psychology needed to be advanced. Various letters were sent to Münsterberg from James, but one in particular exercised caution pleading for intellectual flexibility. The letter states:

Whose theories in psychology have any definitive value today? No one's! Their only use is to sharpen further reflection and observation. The man who throws out most new ideas and immediately seeks to subject them to experimental control is the most useful psychologist in the present state of the science. No one has done this as yet as well as you. If you are only *flexible* towards your theories, and as ingenious in testing them hereafter as you have been hitherto, I will back you to beat the whole army of your critics before you are forty years old (Münsterberg, 1922, pp. 31–32, emphasis original).

Münsterberg fired back at James stating how a psychological fact will never be measured and nor has he ever measured one himself (Münsterberg, 1898). After performing many experiments, he came to the conclusion that analogs of psychological facts were adequate to inform the courts. He felt that it could provoke motions to be set in advancing the law. During his experiments, he discovered through observations that eyewitness testimony was prone to error therefore leading to a faulty adjudication (Weiss & Xuan, 2015). He continued to make bold statements on how one's perception and memory is fallible. Another bold statement made was about how the human mind is susceptible to coercion resulting in unreliable confessions. This was related back to our human nature. If our human nature is imperfect, then so must our mind or way of thinking be. His solution was psychological assessments.

Rejected Views Made by Münsterberg

Due to Münsterberg's previous research with Harvard students, he was convinced that word-association tests could determine if a witness was telling a truthful recollection. This caused Münsterberg to look into a criminal case that took place in Chicago in 1906 (Weiss & Xuan, 2015). Richard Ivens, the defendant, was most likely mentally disabled and confessed to killing a woman. This confession sentenced him to death. The defendant ironically ended up retracting his confession and pleaded innocent. An expert witness on the case, J. Sanderson Christison, claimed that the confession had been obtained through hypnotic suggestion (Weiss & Xuan, 2015). Both Münsterberg and James were asked for their opinions on this case. James stated how he would have the defendant's mental capacity evaluated and Münsterberg took this as his chance to implement forensic psychology. In 1906 there was no such thing as an argument for a false confession. The Illinois Supreme Court ultimately did not take Münsterberg's advice of utilizing psychology and the defendant's sentence to death was upheld. This was taken as a

personal insult to the field of psychology and Münsterberg grew resentful. He could not understand why experimental work on memory and other areas of psychology were not recognized or accepted by the court system. He referenced psychiatric testimony as a common-sense psychology.

Carl Gustav Jung's and Münsterberg's Word-Association Contribution

With the opinions and experiments of Münsterberg making the press, another major historical figure came into the limelight. This man was Carl Gustav Jung and promotions of his word-association test were being published in *The New York Times* (Weiss & Xuan, 2015). The article hinted towards the idea that machines could potentially replace humans in detecting the truth. Jung emphasized how freedom from bias and accuracy are the two main goals of investigations. He stated how his up and coming invention, word-association, helped solve a case where a thief's guilt was unknown. After an application of the word test, a confession was made closing the case.

Münsterberg also started receiving support from magazines and newspapers for his application of word-association. *The New York Times* reviewed his article on eyewitness testimony in *McClure's Magazine* detailing how his research on college students is being applied to real court cases (Weiss & Xuan, 2015). He also agreed with Jung on the statement that machines could also possibly detect lies. Münsterberg continued to make absurd statements of his time. One of the bold statements described how experimental psychologists have the possibility of determining the truth just like a chemical expert could determine if there was a poison in the stomach (Weiss & Xuan, 2015).

Münsterberg also went on to accept an invitation from *McClure's Magazine* to analyze a professional hit man by the name of Harry Orchard who was going to testify in the 1907 murder

trial of union boss William “Big Bill” Haywood (Münsterberg, 1908; Winter, 2012). Allegedly Haywood ordered an assassination of former Governor Steunenberg and Orchard confessed that he was the designated hitman.

Münsterberg first listened to and observed Orchard, making notes of his appearance (Weiss & Xuan, 2015). He tried to remain as unbiased as possible after mentioning that he noticed the man had an abnormal lower lip and deformed ear. Although he did mention that this man fit the image of a criminal, he was determined to place science before instinct. He continued his interview with the utilization of timed word associations and found intelligent responses to “dangerous” words. For example when the word governor was shown, Orchard replied stating “blood” (Weiss & Stern, 2015). Orchard also remained emotionless during the interview and showed no signs of guilt. In conclusion Münsterberg stated that the test was a success and the confession was in fact true. Münsterberg accepted this job from *McClure’s* to demonstrate how his work and research at Harvard could be used in the real criminal world.

Münsterberg’s Detremental Mistake

Ironically after all this hard work, Münsterberg would be seen as a joke. Münsterberg was supposed to report to *McClure’s* after the trial (Winter, 2012). However, on his way back to Boston he met a reporter and due to such excitement from his success he leaked his findings to this reporter (Weiss & Xuan, 2015). The jury rejected Orchard’s testimony and acquitted Haywood. Due to the fact that Münsterberg spoke too soon and the jury was at odds with him, this was not a good look. To try and save his reputation, he wrote a letter to the *New York Evening Post* stating how he had not slept for several days when he revealed his findings prematurely and asked that the case against psychology not be revisited until his findings were published (Idaho Statesman, 1907). This letter was then reprinted in Boise, Idaho where the

case took place. The response to this letter was embarrassing and the media did not hold back on criticizing his work. Münsterberg's book *On the Witness Stand* published in 1908 later stated how his findings could not determine legal facts. Münsterberg may have bitten off more than he could chew.

Overall there were good reviews written about the word association process and how this foreshadows future technology to come. This technology could rid of bias and promote accuracy. Coercive police tactics and brutality could be eliminated with the use of machines.

Wigmore Versus Münsterberg

Münsterberg was quickly catching the attention of lawyers after this brutal mistake but not the kind that he was expecting. His number one rival was John Henry Wigmore who was the Dean of Northwestern Law School at the time (Weiss & Xuan, 2015). In response to *On the Witness Stand*, Wigmore published an article in response in the *Illinois Law Review*. Due to this critique, eyewitness testimony research was stalled for about 50 years. In this critique Wigmore put Münsterberg on mock trial with Münsterberg, "of the Ancient and Honorable University of Cambridge, Bay State," being accused of libel in fake court of "Wundt County," with the plaintiffs seeking a singular dollar and to clear the name of American common law (Wigmore, 1909, p. 400). This fictitious case is referred to as *Cokeston v. Münsterberg*. The "charges" that were being made against him were due to false and erroneous assertions. Wigmore stated how there was no place for psychological methods in law. He also provided information with warnings that other psychologists have made against Münsterberg. This was a warning against applying research findings to real-life events. Other psychologists argued that Münsterberg's methods were premature for forensic use. Wigmore also had cited over a hundred original sources from French and German psychological literature. His critique ironically spread

knowledge of applied psychology to the legal community and discredited Münsterberg for not doing so (Sporer, 2008).

Wigmore also asked questions about Münsterberg's methods regarding concreteness, relative efficiency, and if its results are agreed upon (Weiss & Xuan, 2015). He embarrassed Münsterberg for not publishing his work in scientific journals but instead accused him of looking for publicity. The satire also mentioned the need for an acceptance of interdisciplinary contributions. He invited collaboration between the law and psychology but with due time. To add insult to injury, Wigmore stated how Münsterberg would not be the leader of this collaboration. It was not until 1969 that the American Psychology-Law Society would be created.

Münsterberg nonetheless continued his campaign and in 1916 he was asked to assist defense counsel in a Cambridge, Massachusetts case (Weiss & Xuan, 2015). The defendant was on trial for the murder and robbery of his father. This drew a lot of attention from the press and the community. The defendant's attorney William Wilson announced that Münsterberg would explain the effect psychology could possibly have on witness testimony in cases in which the trial comes months later after the crime was committed. This was the first time a lawyer called on a psychologist to aid in the Massachusetts court. Münsterberg's knowledge was used to prove that eyewitness testimony can be faulty especially if the memories are being recalled several months after the incident. In December of that same year Münsterberg had died suddenly while giving a lecture.

William Moulton Marston

A man named William Moulton Marston worked in Münsterberg's Harvard Laboratory, taking over the forensic psychology movement after Münsterberg's death. Marston had degrees

in both psychology and law (Weiss & Stern, 2015). He was interested in the connections between physiology and emotion. This led him to the discovery of a method to uncover deception (Marston, 1938). This method is the systolic blood pressure deception test and it brought a newfound respect to the field of psychology. Marston had hoped to succeed where Münsterberg had failed. He eagerly wanted to aid in the prevention of coerced confessions and false convictions. It was also known for quite some time that high blood pressure was correlated with telling a lie. Marston wanted to use this method to help the courts shed some light on the truth.

In 1921, James Frye confessed to murdering a doctor the previous year. He later on decided to retract his confession but the prosecution used this against him in the 1922 trial (Weiss & Xuan, 2015). Frye's lawyers looked for ways to minimize the impact of the confession. This is where Marston was given a key opportunity. If Frye's confession was false as he had stated, then an important component could support this. Marston visited Frye and used his systolic blood pressure machine he had created. According to the test, his retraction of a guilty confession was true. He did not in fact commit the crime. Frye's lawyers took this evidence, along with scientific articles supporting the findings to the judge and jury. Although the judge decided on barring Marston's data and testimony, Frye was surprisingly convicted of second instead of first degree murder. The jury's decision allowed Frye to avoid the death sentence. Although Frye was not found innocent, it is evident that the jury found some truth to Marston's findings otherwise they would have found him guilty in the first degree.

The defense appealed and the appeal went to the United States Court of Appeals. Justice Van Orsdel issued an opinion in response to the case stating how he is upholding the court's ruling of the non-admissibility of the systolic blood pressure deception test (Weiss & Xuan, 2015). He also stated how new methods for the future must be generally accepted in the field it

belongs to. About 70 years later the systolic blood pressure deception test would be used in *Daubert v. Merrell Dow Pharmaceutical, Inc.* (1992). The purpose of these tests is to give the jury the freedom to decide if someone is being truthful without the prejudice of expert witnesses getting in the way. These inventions are aimed at making a fairer system. This did lead to the famously known polygraph test we have today, although it still has its flaws as people have learned how to control their blood pressure when lying. Its uses in law enforcement have prospered despite the controversy. The newest lie detection test involves functional brain scanning (Weiss & Xuan, 2015). This has all jumpstarted an interest in unconscious phenomena such as racial bias.

Without the mistakes made by Münsterberg the pathway that psychology has made into the law would not be existent. Sometimes it takes a couple of failed attempts to succeed and this was the case here. Marston elongated this pathway and expanded upon it.

Binet's Scientific Foundation for Eyewitness Testimony

While Münsterberg was busy conducting his research in Germany before he died, a French researcher by the name of Alfred Binet was studying the influence of suggestions on memory and false illusions (Weiss & Xuan, 2015). He has made many contributions to memory research, especially with children. Little of Binet's work on memory has been translated into English so most people do now know about his work in this field (Nicolas et al., 2014). He had children participate in a series of experiments on suggestibility in visual memory. His program of individual psychology started in 1896. He argued that each individual differed from each other in his or her mental processes. Binet's book "On suggestibility" established the role of an experimenter's suggestions on the acts of recollection in subjects that participated individually and in groups (Weiss & Xuan, 2015). In a chapter of his book Binet detailed the psychology of

testimony. According to Binet, judges can influence a witness by the questions they ask them. These aspects include leading suggestions and pressure to recall (Nicolas et al., 2014). This added pressure could affect how someone responds.

In an experiment Binet used a group of male elementary school children aged 7 through 14 years old. To study the effect of suggestion on memory, he used six objects that were pasted on a poster. The poster was dark yellow, square in shape, 22 centimeters long and 15.5 centimeters tall (Weiss & Xuan, 2015). These six items included: a coin, stamp, store label, button, small magazine picture of a crowd, and photograph. The children were familiar with most of the images, if not all of them. The children were shown the poster for ten or twelve seconds and were then asked to recall what they had seen. The children clearly did not have enough time to analyze the pictures in accurate detail. This was to put them in the mental state of a witness. The children were asked to write their answers as detailed as they could. The children were not asked any suggestive questions or any questions for that matter. The results showed that the reports were incomplete and had many errors. These reports represented testimony. Binet was demonstrating how if we desire truthful testimony from children, we should not ask them any questions or ask them to orally recall but write down what they know (Nicolas et al., 2014). Although the reports were not perfect, they did contain the most truthful responses. This is especially true for children, because they are less capable than adults in determining fact versus fiction.

Historical figures such as Münsterberg, Marston, and Binet were primary figures in paving the way for forensic psychology. The errors and fallibility of eyewitness testimony are still debated and being studied today. Surprisingly the views on this topic have not changed.

Contemporary Views About Eyewitness Testimony Remain Similar

Truthful but mistaken eyewitnesses are the number one cause of wrongful convictions in the United States (Dolyle, 2005). This unfortunately often leads to the innocent going to prison and the guilty running free in society. Aspects such as personal ambition, legal/ political principles, and scientific inquiry come to play when it comes to eyewitness testimony.

Wrongful convictions are happening every day. In 2001 a man by the name of Royal Clark was charged and convicted of armed robbery at a Burger King in Louisiana (CBS Interactive, 2019). Three Burger King employees picked him from a lineup but only one was sure of their testimony. That one witness convinced the jury and Clark was sentenced to 49 and a half years in prison. The defendant's appeals were denied and his newborn son grew up without him. The assailant used a cup and left fingerprints, but the fingerprints were deemed unusable. In 2018 the Innocence Project New Orleans took his case. Attorney Kia Hayes hoped for DNA testing of the cup but it was never collected. The prints were reanalyzed with the agreement of District Attorney Paul Connick. There ended up being a match to someone who had a history of crimes and was currently already in prison for several armed robberies. This is just one case where a man was wrongfully convicted. Nancy Franklin, a psychology professor at Stony Brook University, stated that this unfortunately happens all the time. "Of those who have been exonerated by DNA evidence, nearly three-quarters of them were convicted in the first place because of faulty eyewitness testimony" (CBS Interactive, 2019). This man lost witnessing years of his child's life because of someone else's mistake.

Another similar incident occurred and was discussed in a video made by the National Science Foundation featuring psychologist Gary Wells. He stated "Mistaken identification tends to result in the person actually believing and developing a memory that is consistent with the

person they identified” (National Science Foundation, 2015). Witnesses basically tend to trick themselves and draw up a false narrative in their brains. Eyewitnesses often get it right but mistakes are still being made. The goal is to minimize these mistakes.

Psychologist Elizabeth Loftus studies false memories consisting of when people either remember things that never happened or remember the events that occurred in a different way (TED, 2013). She is a widely known psychologist and appeared in court as an expert witness many times. She shares some interesting stories in a TED talk and mentions a study she performed. Participants were shown a simulated accident and asked them how fast the cars were going when they either hit or smashed each other. When the participants were asked using the leading word “smashed”, they said the cars were going faster at 41 mph as opposed to the 34 mph response given when asked with the word “hit”. The leading “smashed” question also led people to say they saw broken glass at the scene. These contemporary views and studies show how forensic psychology, although advanced, still deals with similar problems to that of the ones we had in the 19th and 20th century.

Conclusion

Historical and contemporary views on eyewitness testimony remain similar in the conclusion that it is fallible. Without the works of Münsterberg, Jung, Wigmore, Marston, and Alfred Binet a foundation for legal psychology would not have been made. Due to this foundational knowledge, psychologists can now ask themselves how eyewitness testimony can better be improved.

Chapter 2

Current Challenges Faced During a Lineup of Criminals

In today's world there are various areas of psychology. Forensic psychology is considered a specialty area of psychology by the American Psychological Association (APA). Forensic psychology is defined as:

“the professional practice by psychologists within the areas of clinical psychology, neuropsychology, and school psychology, when they are engaged regularly as experts and represent themselves as such, in an activity primarily intended to provide professional psychological expertise to the legal system” (Forensic Psychology Specialty Council, 2000).

One important trait of forensic psychology is eyewitness testimony and identification. The current concerns and problems with eyewitness testimony containing characteristics of unreliability will be addressed in this chapter. The lineup process plays a vital role in eyewitness identification sending either the right or wrong person to prison. Psychologists have long warned about the possible errors that could occur when it comes to eyewitness identifications. The American Psychology Law Society has published a review paper to examine cases of eyewitness identifications and how government officials can collect eyewitness testimonies to attempt to resolve the problems of mistaken identifications (Wells et al., 2020). The fact that this society had to publish a review to provide solutions demonstrates how serious this issue is.

The criminal justice system utilizes eyewitness identification to close cases and find perpetrators. Warnings of the unreliability and fallibility of it have long been warned about. DNA exoneration has been used in aiding cases where an innocent person wrongfully goes to prison (Wells & Olson, 2003). These cases have proven that mistaken eyewitness identification is the

primary reason why this keeps occurring. Certain aspects affect these identifications such as characteristics of the witness, lineup content, and lineup instructions. For example, if during a lineup suggestive language is used towards a specific individual by the police, the eyewitness is more likely to just choose that person as the criminal. Administrative bias is a major aspect that affects the outcome of a lineup.

Understanding the Process of Lineup Identification

Two important processes take place during lineup identification: automatic recognition and elimination strategy. About 40% of witnesses are asked to complete a lineup identification (Steblay et al., 2001). In an article, researchers used a modified-RSA (Retrospective Self Awareness) interview method to create questionnaires to further understand the processes involved in lineup identification (Wittwer et al., 2022). Two sets of studies were performed that reported parallel investigations in two countries: France and South Africa. Questionnaire items were constructed through interviews following an inductive method to capture decision processes. Dimensions for reduction were then determined through factor analysis and these were tested on their ability to predict eyewitness accuracy. In Study 1 (France) 208 participants, consisting of both males and females, watched four videos of a simulated staged theft crime committed by a young white male (Wittwer et al., 2022). After watching the video, they were asked to pick the man out of a photograph lineup even though they were told the man may or may not be in the lineup. They then filled out a questionnaire on their decision making process. In South Africa the same study was done and consisted of 221 participants also consisting of both males and females (Wittwer et al., 2022). Automatic recognition, elimination strategy, and lack of familiarity emerged from this analysis. Overall, logistic regressions revealed that witnesses who reported using a familiar feeling or an elimination strategy to make their decision,

were less likely to choose the correct culprit as opposed to someone that used automatic recognition.

Identifying Masked Criminals in a Lineup

Another challenge the justice system faces when it comes to eyewitness testimony in lineups is that criminals tend to wear masks over their faces. This makes it more difficult for identification. An investigating officer is the one that makes a decision on how to administer a lineup in this case. Currently no evidence-based recommendations exist for eyewitness identifications of a masked criminal (Manley et al., 2019). In an article, 4 experiments were conducted examining lineup identification performance depending on studying a full face versus a partial/masked face and identifying a target from a full face lineup versus a partial/masked face lineup. Experiments 3 and 4 were manipulated by making the target either present or absent in the lineup. When the participants studied someone with a masked face, the masked face lineup increased in identification accuracy relative to the full face lineup. The researcher concluded that matching lineup construction to how witnesses originally studied or saw the perpetrator could increase the accuracy of the eyewitness identification.

Biased Instructions Given During Identification

The next major aspect of eyewitness identification is the instructions given. A meta-analytic review of research comparing biased and unbiased instructions given during eyewitness identification experiments demonstrated an asymmetry, specifically that biased instructions led to a great decrease in the accuracy in target-absent lineups but produced inconsistent results for target-present lineups (Stebay, 1997). A re-examination of the studies and meta-analysis of these studies showed that with biased lineup instructions correct

identification rates actually increased and biased witnesses end up making correct identifications at a high rate that is above chance (Clark, 2005).

Effects of Administrator Knowledge

Another group of researchers investigated the effects of administrator knowledge of a suspect's identity in a lineup that was blind versus unblind, had witness identification with versus without fillers, and measured witness confidence (Rodriguez et al., 2020). The participants consisted of 488 undergraduate participant administrators being presented with a lineup to a confederate witness which is one who made a scripted identification decision. The participants were also asked to complete a record of the lineup task. The results showed that Nonblind administrators recorded 25% fewer identification fillers and viewed witnesses less favorably in the filler identification condition. The blind administrators were not influenced by witness selection. Blind administrators took more qualitative notes and information regarding the witness's decision process. Nonblind administrators' characterizations were biased in regards to witness confidence in their identifications of the criminal. Overall, this experiment demonstrated how blind administration rids of biases and leads to better qualitative notes for record. Blind lineup continues to be recommended in the field due to studies such as this one.

Conclusion

Overall, it is logical to conclude that forensic psychology still suffers many challenges specifically when it comes to eyewitness identification. Unfortunately many people go to prison due to wrongful convictions every day. Automatic recognition and elimination strategy provide us with better ways in understanding how witnesses choose a person in a lineup. Perpetrators wearing masks is another major issue making identification more difficult. Present concerns also revolve around blind and unbiased lineups. These conditions are ideal but are not always the

case. With ongoing research, such as the types mentioned in this chapter, concerns that the field of forensic psychology is currently suffering from will hopefully be reduced.

Chapter 3

Rikers Island is Anything but Paradise

Wrongful convictions are causing innocent people to go to dangerous prisons everyday due to the unreliability of eyewitness testimony and identification. New York City's Rikers Island is one of them. The jail suffers from overcrowding, lack of staff, and the jail itself is deteriorating. It has been a consistent major concern for the city. It has been named as a major symbol of criminal justice dysfunction (Mooney, 2020). It is being called to close down and be replaced with smaller up to date jails. Ironically, when it opened it was coined a model facility. Rikers Island is made up of nine separate jails and contains about 4,000 to 5,000 prisoners. This jail is located on the East River of New York City across the waterway from LaGuardia airport. These inmates live with a perfect view of the city making it seem so close but in reality it is so far due to the life sentences that most of them have. This jail is infamously known as one of the most racially and class-concentrated jails in the country (Mooney, 2020). Unfortunately, most of these prisoners are pre-trial detainees waiting for their trial. Presumably they are innocent and just awaiting to defend themselves in court. The jail also has high rates of violence and gang fights. The question is how do we make this an effective, safe jail and limit the amount of prisoners coming in, especially those that are pre-trial detainees?

Frequently Admitted Individuals

A study was performed to study the people most frequently admitted to Rikers. Correctional Health Services electronic health records were used to identify 800 patients admitted in 2013 that returned since November of 2008 (MacDonald et al., 2015). They were then compared to a randomly selected control group of 800 other prisoners admitted in 2013. The most frequently incarcerated individual had a median of 21 incarcerations representing 18,713

admissions. These people also tended to be older so anywhere from 35 to 42 years of age. They also tended to suffer from a serious mental illness and homelessness. Substance abuse was another major factor that was found. Hot spotting was suggested as a potential solution to this problem. This is a practice that identifies and focuses on the most frequent users of health care services in a specific population and offers tailored intensive care management. This would potentially reduce costs and increase quality care.

Pre-Trial Detainees

Pre-trial detainees is another issue and these people should not be in the same prison as a murderer or rapist. Most of the pre-trial detainees are being held at Rikers for crimes such as petty theft and other minor offenses. Pre-trial detainees should be placed in a different building separate from maximum security. Too many suicides are occurring in this prison where the inmate should not have been held in a high maximum security prison in the first place. High profile criminals should not be allowed to eat lunch or play basketball with pre-trial detainees who have committed only minor crimes. For some of the pre-trial detainees, this is their first offense.

Who Should Go to Prison?

Another very important question that should be asked is: How do we know who should be sent to prison? Once we can answer this question, we can start to decrease and prevent overcrowding in prisons like Rikers. Various studies have shown that it is difficult to predict who poses a direct threat to others. Risk assessment instruments have been developed for this reason. The United States currently has the highest rate of imprisonment compared to any other country. This makes experts wonder if risk assessments are accurate enough. A group of researchers have identified 22 studies that included over a million citizens that were charged or convicted of a crime (Viljoen et al., 2019). A meta-analysis was conducted along with a narrative review. The

results showed that after risk assessment instruments were adopted, increases in post conviction release occurred. Imprisonment rates could potentially be decreased without putting society's well being at risk. The results of this study supported the statement that risk assessments could reduce detention rates.

Although this study makes valid points, it does fail to mention how criminals could be sent to psychiatric facilities as opposed to jail. Being sent to a psychiatric facility could very well be a better option for some convicted criminals. After they have completed their suggested treatment time, they could be evaluated again for posing a risk to society. After this final evaluation, they could be released into society again. This could be a factor that could potentially lead to lower incrimination rates as well.

The United States currently has the highest imprisonment rates causing prisoners to be crammed in their facilities due to the increase in arrests. This leads to unhealthy living environments and spread of illnesses across the prison. Overall, the increase in the amount of defendants being sent to prison creates a domino effect that negatively affects prisoners. By accurately evaluating each patient's mental health, rehabilitation options can be more widely offered instead of just throwing someone who is truly sick in jail.

Problems Correction Officers Face

Not only are the prisoners suffering from the horrible conditions at Rikers, but so are the Correction Officers. They deal with problems such as burnout, job dissatisfaction, and anxiety. This stress and anxiety weakens their immune system causing them to become more susceptible to becoming sick. If they become sick, this lowers the amount of short staff that they already have. This is harmful to one's mental health as well. These officers work long hours and double shifts due to the limit of workers. Turnover rates are also extremely high (Leip & Stinchcomb,

2013). Most of the officers also have to go to work fearing for their life due to the high percentage of gang violence in the jail. Most people did not even come back to work after Covid-19 due to how disgusting and unbearable the conditions are (Martin-Howard, 2022).

A potential way that this prison could entice people to want to become correction officers is by fortifying the prison and making it more secure. For example, many of the doors that are keeping the inmates in their cells are rotted and weak making it easy for escape to wreak havoc. More cameras and security sensors with a bell should be installed at the foot of every cell alerting the officers if someone escapes. Sharp objects should not be allowed in the jail such as forks and even something as bizarre as wooden furniture. Too many things can be turned into sharp weapons. These are just a few suggestions that could potentially benefit correction officers.

Conclusion

In conclusion Rikers Island is a project that will continuously have to be in progress if it is to improve. Hot spotting is a program that should definitely be implemented to increase the amount and type of care received. Pre-trial detainees should have their own separate building on the island. Risk assessments also need to be taken more seriously and used for every single person. This will aid in keeping the right people in prison and others who need serious help in a mental rehabilitation center. The number of correction officers will most likely only increase if the jail becomes a healthier and safer environment. These are just a list of some of the many possible solutions this jail could use. With these solutions prisoners will be better protected, especially those that are wrongfully convicted. Investigation processes such as eyewitness testimony are not foolproof so we need to keep prisons up to date so that the innocent people that unfortunately end up there are safe. Rikers will continue to be hell on Earth if it does not improve in some way.

Chapter 4 redacted to remove personal reflections and any identifying information.

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