

# The Unreliability of Eyewitness Testimony

## Wrongfully Convicted by an Inaccurate Eyewitness

Julius Earl Ruffin spent 21 years in jail due to eyewitness' inaccurate memory.

Wrongfully convicted man set free after spending 16 years in WI prison

A man wrongfully convicted in Wisconsin due to several possible issues, including police protocols, eyewitness errors and poor defense, was recently freed.

## Wrongful conviction throws spotlight on unreliability of eyewitness evidence

**William Mills was sentenced to nine years for bank robbery based on police identification from CCTV images, despite their showing a man in sunglasses with a scarf over his mouth and chin**

Headlines like these are incredibly disconcerting – after all, they demonstrate unequivocally that the law does not always protect us from injustice. Quite the contrary, when unintentionally erroneous eyewitness testimony is not identified as such, some ill-fated individuals might unfairly be condemned to spend a substantial part of their life behind bars.

## Research Question

In my paper, I explored

- why human memory can generally be considered fallible.
- to what extent certain uncontrollable variables and the design of the U.S. justice system might exacerbate this fallibility in the context of a criminal case.
- what improvements in U.S. criminal procedural law could be made to decrease the likelihood of wrongful convictions due to false eyewitness memory.

## Methods / Approach

I consulted a vast number of studies, books, and websites to get a thorough understanding of my topic. In addition, I conducted interviews with both Sascha Frühholz, professor of cognitive neuroscience at the University of Zurich, and Aleksandra Möckli, assistant of professor of criminal procedural law Felix Bommer.

## Results

In my study, I found that



... the risk of false memories can never be eliminated entirely due to the nature of the human brain (*synaptic plasticity*).



... some approaches used by law enforcement agents in the U.S. are fundamentally flawed and thus need to be replaced by more research-backed methods.



... uncontrollable circumstances such as lighting or particular characteristics of the witness may further increase the probability of misremembrances.



... in court, juries need to receive sufficient education on the topic of false eyewitness memory and the factors increasing a particular witness' unreliability.

