

THE IMPORTANCE OF EYEWITNESS EVIDENCE**Dr. Neeraj Malik,**

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ABSTRACT

Eyewitness testimony is an important source of evidence for the judiciary system. Eyewitnesses can provide a detailed account of an event from their perspective. Eyewitness testimony is important as it provides evidence for criminal investigations. It can also provide evidence for personal injury cases. Eyewitnesses can also be an important prospect to identify the accused persons. However, eyewitness testimony can be reliable and lead to wrong convictions, such as human memory does not work as a video recorder and it is vulnerable to missing details. Eyewitness testimony can also be influenced by presenting information to the witness after the event. There are also other factors regarding the bias of the witness, such as the witness may have a bias against the defendant. This report has highlighted the role of eyewitnesses in legal procedures. It has also emphasised that eyewitnesses serve as a deciding factor for crime. This report has also highlighted the psychology of eyewitnesses in judiciary settings. Psychologists have mentioned that the confidence of eyewitnesses can significantly disturb the memory and description process. This report has highlighted reliance on legal procedures and the importance of DNA tests in eyewitness testimony. This research has also highlighted different strengths and limitations of eyewitnesses.

Keywords: Eyewitness Testimony, Judiciary System, Memory Reliability, Wrongful Convictions, Witness Bias, Psychological Factors, Confidence Effects, Legal Procedures, DNA Evidence, Strengths and Limitations.

I. INTRODUCTION

An Eyewitness is a person who has first-hand knowledge of an event and is called to testify about the event in court. Eyewitness testimony is a key part of the justice and judiciary system. However, the reliability of eyewitnesses is being reevaluated. Eyewitnesses bring several benefits to the judiciary system such as it can help to identify suspects, reconstruct events, and lead to arrests. It provides a detailed overview of the scenario as eyewitnesses have first-hand knowledge of what the witness has seen and heard at the crime scene or incident. However, eyewitness testimony can also become unreliable and inaccurate as memory can be compromised by different factors including information gathered from sources such as law enforcement, counsel, family, and the press. The key challenges that can affect the reliability of eyewitness testimony are stress, cross-racial identification, and memory decay. The primary aim of this research is to critically evaluate the importance of eyewitnesses for the judiciary system and its effectiveness.

II. MAIN BODY

In the legal system, eyewitnesses hold a strong part in the juridical process to maintain their fair decision-making process and provide justice equally. The eyewitnesses have the power to change the decision of trial and provide justice to the innocent one. However, this testimony also has reliability and accuracy issues which are identified by psychologists and legal scholars. This research conducted a critical analysis of this eyewitness process in legal trials and highlighted its importance in providing judgement.

Role of Eye-Witnesses in Legal Procedures

This evidence mainly includes the individuals who provide accounts of events in their own words and are mainly present as primary witnesses in the judicial process. This evidence signifies a foundation of the judicial process and maintains its effectiveness in providing justice to deserving ones. In criminal cases, these witnesses play a significant role and help the juries to conduct their decisions by maintaining a fair decision for everyone¹. Historically, this testimony is highly reliable for the justice process as at that time there was a limited amount of surveillance system available in the society. These eyewitnesses provide their accounts regarding the case and help judges to get a better idea about the scenario.

In some criminal cases, this eyewitness serves as a deciding factor for the crime which convicts the criminal and acquits the innocent one. These eyewitnesses maintain the justice process, especially in cases where forensic evidence is not available². Eyewitnesses provide the overall narrative of the situation and present the scenario in multiple approaches. Moreover, in situations where multiple eyewitnesses are available, the testimony mainly solidifies the prosecution process and creates a significant body of evidence for providing legal support and justice to everyone.

However, the importance of these eyewitnesses also provides multiple concerns for the legal bodies to maintain their justice process on equal terms. The psychologist confirms that the human memory is far more feasible than other physical evidence. Moreover, every person has their sense and view to describe a scenario which can significantly vary the overall case judgement³. They also can be influenced by other external sources and powers which render them memory for the accounting process and become less reliable than the other evidence sources. These eyewitnesses can also make judgments by their preferences and make the judicial process unfair.

The Psychology of Eye Witnesses in Judgement

¹ Zia, M.H., Hassan, H. and Ali, A., 2021. *Reliability of eyewitness memory: A case study*. Journal of ISOSS, 7(2), pp.361-370. http://www.joi.isooss.net/PDFs/Vol-7-no-2-2021/24_J_ISOSS_7_2.pdf

² McCroy, K., 2023. The Effects of Type of Recall on Memory Accuracy in an Eyewitness Case Vignette. <https://digitalcommons.nl.edu/cgi/viewcontent.cgi?article=1781&context=diss>

³ Wells, G.L., Kovera, M.B., Douglass, A.B., Brewer, N., Meissner, C.A. and Wixted, J.T., 2020. Policy and procedure recommendations for the collection and preservation of eyewitness identification evidence. *Law and human behavior*, 44(1), p.3. <https://psycnet.apa.org/fulltext/2020-06220-002.html>

Human memory is not a passive recording of an event rather it is an active and reconstructive process for remembering an incident. This memory varies from different persons regarding their age, gender and mental capabilities. Psychologists have proven that individuals are different in storing memory in a longer term and providing a detailed overview of a scenario in a clear manner. These memories are mainly constructed by the fragments of the incident and record the original experience in their way. It is also influenced by personal biases, beliefs and expectations which are submerged with the information of the event and present it in their way. This influencing factor of human memory significantly reduces the reliability of eyewitnesses for maintaining decisions in the courtroom.

Several factors can influence the accuracy of human memory, especially for the eyewitnesses. At first, stress and emotional arousal can significantly influence the memory of eyewitnesses to provide an account of the incident. High amounts of stress and fear of the accident can traumatise a person and influence their overall memory of that incident. It can significantly disrupt their ability to maintain the accuracy of recalling the incident properly. It is also identified that, the person who severely fears the event can only focus on the central details of the traumatised event, perhaps providing the actual findings of the case. This focus is mainly known as **Weapon Focus** which signified the focus on the weapons of the criminals in the case⁴.

These eyewitnesses can also be influenced by the post-event information of the incident including the conversations with others about the case scenario. Moreover, the media covered ages and exposure to society can disrupt the memory of the individuals and provide misleading information about the case. The human memory can also be altered by the discussions with others which can significantly limit the effectiveness of this eyewitness evidence in the judicial process⁵. The misinformation about the case can also change the decisions of the judges and restrict the juries from making appropriate decisions for the incident.

Psychologists also showed that the confidence of eyewitnesses can significantly disrupt the memory and the description process. Witnesses who expressed high confidence and willpower can describe the incident more appropriately in comparison to a less confident person⁶. This confidence also varies among individuals and disrupts the overall effectiveness of the judicial trials. Moreover, the memory can decay of an individual regarding their age and the time of the

⁴ Dodson, C.S., Seale-Carlisle, T.M., Garrett, B.L., Kafadar, K., Yaffe, J. and Dodson, C., 2024. Persistence of the verbal overshadowing and weapon focus effects on lineup identification performance. *Journal of Applied Research in Memory and Cognition*. https://www.researchgate.net/profile/Travis-Seale-Carlisle/publication/382958712_Persistence_of_verbal_overshadowing_and_weapon_focus_effects_on_lineup_identification_performance/links/66b4d3492361f42f23c033e2/Persistence-of-verbal-overshadowing-and-weapon-focus-effects-on-lineup-identification-performance.pdf

⁵ Głomb, K., 2022. How to improve eyewitness testimony research: Theoretical and methodological concerns about experiments on the impact of emotions on memory performance. *Psychological research*, 86(1), pp.1-11. <https://link.springer.com/article/10.1007/s00426-021-01488-4>

⁶ Marr, C., Sauerland, M., Otgaar, H., Quaedflieg, C.W. and Hope, L., 2021. The effects of acute stress on eyewitness memory: An integrative review for eyewitness researchers. *Memory*, 29(8), pp.1091-1100. <https://www.tandfonline.com/doi/pdf/10.1080/09658211.2021.1955935>

incident which also influences the overall judgement process and increases the difficulties for the juries to maintain their effective and equal trials.

Reliance of Eye-Witnesses on Legal Procedures

Despite the fallibility of eyewitness testimony, the legal system has placed significant faith in this process from the beginning of the judicial process. The juries and courts still prefer this evidence over others due to its availability and descriptive terms. The judges preferred this process due to its compelling nature and the descriptive manner of the case scenario. Eyewitnesses also provide their account of the incident which sometimes describes their viewpoint of the case and helps the judges to maintain their equal terms for everyone.

For example, the case of **Ronald Cotton** signifies the overreliance on eyewitness testimony in a criminal case. Cotton was convicted in the rape case based on the testimony of the victim which identify him as a criminal in this scenario⁷. Ronald also gets punishment due to this case and presents the unfairness and heavy reliability over the eyewitnesses in the judicial process. Years later, DNA evidence shows that the victim had made an honest claim but provided wrong evidence of her spectate. This case mainly highlights the overall reliability of eyewitnesses in the judicial process and its impact on the legal system.

To address this concern of eyewitnesses, some judicial bodies are now implementing reforms which reduce the risk and faultiness of this evidence. The juries now implement changes in their police lineup and conduct double-blind procedures where the witnesses and the administrative bodies do not see or know about their identity to maintain their fair judgement process. To prevent an intentional influence and provide an affair decision for everyone, this procedure of judicial bodies increases efficiency. It also reduces the burden on the eyewitnesses and the health of the courtroom to increase their understanding of the case.

The Importance of DNA Test in Eyewitness Testimony

The DNA test significantly impacted the judicial trial process in the courtrooms from the late 20th century and provided better decision-making in eyewitness testimony. This DNA evidence is utilised as a tool in the judgement procedure and provides a better decision-making opportunity for the juries in the case. A DNA test can also maintain its effectiveness in the eyewitness process by reducing the chances of missing information and increasing the accountability of the individual⁸. Moreover, this DNA test can also significantly increase the fair judgement process in the courtrooms and enhance the number of people to get fair judgement from the legal procedures.

This DNA evidence is mainly utilised in criminal cases where it identifies the systematic issues associated with the reliance on eyewitnesses. In many cases, this DNA test can identify the false

⁷ PBS (2014). Cotton's Wrongful Conviction | What Jennifer Saw | FRONTLINE | PBS. [online] Pbs.org. Available at: <https://www.pbs.org/wgbh/pages/frontline/shows/dna/cotton/summary.html>.

⁸ Ling, S., Kaplan, J. and Berryessa, C.M., 2021. The importance of forensic evidence for decisions on criminal guilt. *Science & justice*, 61(2), pp.142-149. <https://www.sciencedirect.com/science/article/pii/S1355030620303117>

testimony of eyewitnesses and reduce the chances of wrong decisions from the jurisdiction process. The errors in the witness procedure can significantly reduce the fair judgement process for society. To mitigate this issue, DNA tests present a fair account and identify the main factors of the crime⁹. This also helps the juries to increase their decision-making process and maintain its effectiveness on the people. The growing recognition of this DNA test provides a revolution for the eyewitness's testimony and promotes fairness in the judgement procedure. Multiple legal experts now provide value to these DNA tests over the eyewitnesses due to its more clear and effective accountability for the case scenario.

Strengths and Limitations of Eye Witnesses

Eyewitness testimony has multiple strengths which signify its importance in the judicial process. At first, this testimony provides a direct link between the crime and the perimeter by offering a descriptive narration of the case scenario. Moreover, some of the cases are lacking to provide physical evidence which can be filled by these eyewitnesses. Additionally, eyewitness testimony can also be collaborated with other evidence including surveillance footage and forensic analysis which provide a better approach for the juries to enhance their decision-making procedure. However, this eyewitness testimony has multiple limitations in the judicial process. At first, these eyewitnesses mainly depend on the memory of individuals which can be influenced by multiple external factors and biases in the judgement process¹⁰. Furthermore, the legal systems and historical reliance on this procedure can significantly reduce its reliability in today's modern world where the surveillance and forensic systems are now enhanced in a significant manner.

III.CONCLUSION

This research has successfully provided valuable insights into the importance of eyewitnesses in legal settings. Eyewitnesses also bring several benefits to the judiciary system such as eyewitnesses can provide first-hand knowledge about an event. This has also highlighted how eyewitnesses can become the key deciding factor for a case. This research has also highlighted the role of eyewitnesses in the legal procedure as these witnesses provide multiple concerns for the legal bodies to maintain the justice system on equal terms. It has also highlighted the psychology of eyewitnesses in the judgement process. Moreover, it has been discussed that eyewitnesses can also be influenced by the post-event information of the incident which includes conversation with others about the case scenario and media influences. This report has also highlighted the importance of DNA tests in eyewitness testimony and the different strengths and limitations of eyewitnesses.

⁹ Wickenheiser, R.A., 2021. The value of forensic DNA leads in preventing crime and eliminating the innocent. *Forensic Science International: Synergy*, 3, p.100201. <https://www.sciencedirect.com/science/article/pii/S2589871X21000711>

¹⁰ Reichherzer, C., Cunningham, A., Coleman, T., Cao, R., McManus, K., Sheppard, D., Kohler, M., Billingham, M. and Thomas, B.H., 2021, May. Bringing the jury to the scene of the crime: Memory and decision-making in a simulated crime scene. In *Proceedings of the 2021 CHI Conference on human factors in computing systems* (pp. 1-12). <https://3dvar.com/Reichherzer2021Bringing.pdf>

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