Research on the Causes and Countermeasures of Witness Misidentification

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Abstract: Identification is an effective means of investigation, but in judicial practice, the error rate is high, easy to lead to wrong or false convictions. The main causes of misidentification are external suggestions, witness's own psychological pressure, perceptual deviation and witness's recognition ability. Therefore, it is necessary to adopt double-blind procedures, standardize the inquiry mechanism before identification, reduce the psychological burden of witnesses, and select the appropriate way of presentation to reduce the influence of suggestion and pressure.
Keywords: Witnesses; Misidentification; Identification Program

1. Propose the Problems

Eyewitness identification refers to the process in which eyewitnesses identify a group of suspects or photos of suspects according to their memory of the crime and select the criminals they think. In the present, various countries, there is also practice in many countries where there is no photo of a suspect in a queue and witnesses are allowed to judge for themselves whether there is a suspect or not to test the credibility of their identification.

Identification is a widely used means of investigation and has been established as a kind of evidence by the revised Criminal Procedure Law. However, in the criminal procedure law, the identification procedure is not specified in detail, which makes the investigators have different practices in the organization of identification, resulting in the randomness of identification results and lack of objectivity. Although in order to remedy these defects, several legal documents have been issued to make corresponding provisions on the identification procedure and the validity of evidence, and establish the rules of mixed identification, objective identification, individual identification and so on, [1] The success rate of our country's identification is still low, and even caused wrong or false convictions. This has caused great repercussions in society and reduced the judicial credibility of our country. The main reason lies in the existence of serious problems such as unduly prominent criminal suspects inducing witnesses, irregular production of identification records and not adopting double-blind procedures. [2]

Therefore, this paper aims to discuss the factors that affect the accuracy of witnesses' identification of criminal suspects, and make use of previous studies on witnesses' identification of criminal suspects. We should explore the countermeasures that can be applied in practice in accordance with our country's national conditions, so as to improve the success rate of identification in our country's investigation practice and ensure judicial justice.

2. Factors affecting the accuracy of eyewitness identification

2.1 External suggestion

In the identification, the presiding process of the investigator is usually suggestive. First of all, in the case of uncertain criminal suspects, they did not inform the identifiers that there might be no criminal suspects, which greatly increased the error rate of identification. Secondly, in the case that the investigative agency has already identified or highly suspected a criminal suspect, the investigator who presides over the identification is also verifying his hypothesis, so he expects that the

suspect who he suspects is the criminal of the case. This may lead to the information of who is the suspect being transmitted to the witness intentionally or unintentionally, and influence the witness to choose the object that meets the expectation. That is the "Experimenter expectation effect".

2.2 Psychological pressure on witnesses

For witnesses, there is psychological pressure to make an identification. On the one hand, after the witnesses realize their role in the investigation, they have to choose the right option unconsciously, and the correct identification may help solve the case and give them satisfaction, which is also the recognition of their observation ability and memory ability. On the other hand, the organizer of the investigative agency will give the witness the image of "judicial authority", so that the witness may often observe the facial expression and voice change of the organizer during identification, and then make judgment according to the performance of the organizer to respond to the pressure.

2.3 The perception of witnesses

In the case of some violent crimes, the eyewitness, driven by fear or to avoid being involved, usually looks away from the perpetrator rather than directly at him. Witnesses, driven by fear or to avoid involvement, often look away rather than directly at the perpetrator. However, there is a significant adaptation aftereffect in low load conditions, and only a weak adaptation aftereffect in high load conditions, and the former is significantly larger than the latter. [3]

2.4 The recognition of witnesses

First of all, in the process of identification, witnesses may rely more on past experience, needs and expectations than on the actual situation they witnessed. If they are subjected to the pressure or suggestion mentioned above, they are more likely to unconsciously mistake the target who fits the expectation image of "should be a criminal" as the criminal suspect they want to identify.

Secondly, after the passage of time, the content of memory will no longer be complete. People are prone to the loss of memory, but what's worse is that there will be new life experiences during this period. If some of these memories just fit the missing content of the original memory, it may make the wrong memory reconstruction in the process of recall, and become another story. If other events experienced by witnesses are related or similar to witness events, it is very easy to form false memories to interfere with the witness identification process.

3. Some suggestions on improving the accuracy of witness identification

To improve the success rate of identification, the key lies in how to control the whole identification work. When a witness sees a suspect at the time or after the crime, they re-identify a suspect as a thing of the past, and we can't change that through external procedures and regulations. Therefore, it is necessary to standardize the whole process of identification, including the details before, during and after identification, to reduce the hint and pressure of witnesses, so as to help witnesses recall correctly.

3.1 Adopting double-blind procedure

Garry Wells put forward, the identification process should be double - blind procedure, that is the investigator gave certain guidance to the witness: (1) There may or may not be a suspect in the lineup. (2) Investigators don't know if there are any suspects, or who they are. The first lead phrase can reduce the pressure on witnesses to pick suspects and reduce the likelihood of mistakes. The second guidance language can reduce the role of investigators' hints and pressure, and prevent witnesses from being swayed by the feedback of investigators.

3.2 Inquire about witnesses before identification

The principle of inquiry and description before identification has been established in Anglo-American Law countries. Firstly, witnesses were asked to describe the characteristics of the suspects in their memory, which were recorded by investigators as the basis for identification and comparison. At the same time, the UK also stipulates that after the identification, the organizer of the identification shall ask the witness whether they have seen the suspect again or heard the description of the suspect after the crime, and the result shall be recorded. This is to ensure that witnesses' descriptions of suspects are based entirely on their own memories, rather than on disturbing information from the outside.

3.3 Reduce the psychological burden of witnesses

The first step is to improve the source of stress. Therefore, it is necessary to inform witnesses of their rights and obligations before identification, so that they can realize that their identification results will be used as important reference materials for investigation, but whether they can be used as evidence for conviction still needs to be supported by other evidence, so they do not need to limit themselves to selecting the right criminal suspect. At the same time, in order to reduce the pressure given by the "authority image" of the investigators, before identification, the organization of personnel should help the witnesses to relax, configure a more comfortable environment for identification, reduce the pressure as much as possible, so that they can recall and identify in a relaxed situation.

3.4 Choice of presentation

If multiple objects are judged at the same time, that is, which one is consistent with the character image in memory. In this case, the eyewitness may tend to identify the one in the queue that best matches the image in memory compared to other objects, and thus may draw vague conclusions. If the method of sequential identification is adopted, the absolute judgment of yes or no must be made for each object presented. Therefore, the influence of the witnesses' own guesses on the identification results is reduced, and they need to make judgments purely based on their own memories. In sequential identification, if the characteristics of a suspect are clearly highlighted, it is highly likely to have the effect of suggesting witnesses. In this case, the presentation method is similar to the single recognition method in terms of single object judgment, and its suggestive nature may be higher than that of the simultaneous recognition method. In the simultaneous identification, there is still room for selection because multiple objects should be screened simultaneously.

Conclusion

In order to overcome the influence of system variables and estimation variables in the process of recognition, it is necessary to constantly standardize the recognition procedure to achieve the goal of pursuing high accuracy. Try to minimize the influence of cues, stress and other irrelevant factors, and let the witnesses make their judgments based solely on their own memories. After the identification, we should also introduce the review mechanism of the identification records, so that the whole identification process has laws to follow.

References

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