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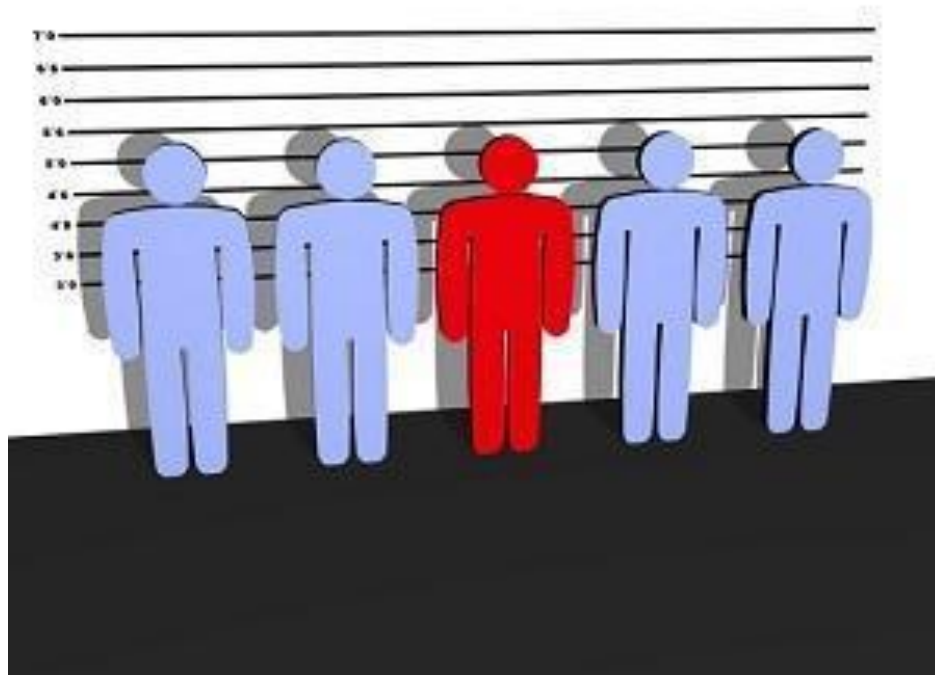
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### How do Biased Police Lineups Effect the Accuracy of the Eyewitness?



The eyewitness is perhaps the most convincing piece of evidence the United States court system uses in today's day and age. Every day, countless innocent civilians witness a crime happen. They are brought into a police lineup with hopes of identifying the guilty party in a fair, honest way. Instantly, the eyewitness becomes the most important part of the criminal's trial. However, are eyewitnesses treated as fairly as one may think? It turns out, they may not be. Biased police lineups are greatly effecting the eyewitnesses' accuracy to fairly choose the potential criminal.

A police lineup typically involves presenting a group of varying amounts of people to an eyewitness. The eyewitness is then asked to select who they think the person they saw during the crime was. Although this process appears relatively straightforward from an outsider's perspective, research suggests that the way the police and relevant authorities conduct these lineup procedures may influence the accuracy of identifications. More importantly, the mistakes in conducting these procedures even leads to countless innocent civilians becoming imprisoned all throughout the United States! In fact, Wixted et. al. (2016) state that eyewitness misidentification is the single greatest cause of wrongful convictions in the country, with a role in a staggering 70% of the 333 wrongful convictions that have been overturned with the help of DNA evidence since 1989. It turns out that there are many factors in play when looking at why this is the case.

Perhaps the greatest influence of police when conducting a lineup procedure is the use of suggestion. Imagine for a moment that you are an eyewitness to gas station robbery committed during the night. You get out of your car and walk towards the gas station. You look up and see a man in a hoodie whom you tell the police you think to be Hispanic run past you out of the gas station. He has just committed armed robbery. In that brief glimpse of the suspect, is it truly possible to be able to identify him in a lineup? The police bring you in as an eyewitness and instruct you to select one man out of those presented to you. What you do not know, however, is the fact that the police had already apprehended a man they believe to be a suspect. In the lineup, there are seven African American men and one Hispanic man. The police not so subtly remind you that you had previously stated the man was Hispanic, and thus that you are looking for a Hispanic man. Psychologists call this "confirmatory bias," which is the idea of witnesses, either consciously or unconsciously, leaning towards the person the officer hints at during the various

lineup procedures. Of course, you, the eyewitness, would select the only Hispanic man out of the lineup.

This is obviously a problem. The way in which the lineup was presented and the reminder by the police of the man's race meant that the police knew for a fact they would get you, as the eyewitness, to select the man in which they had hoped for. This problem is especially exploited in a show-up procedure, where a single potential suspect is presented to the eyewitness in order for them to determine if they recognize the suspect as a perpetrator of the crime. A quote by Leach et. al. (2009) sums up this idea: "Candidates for showups are not selected randomly, and witnesses may believe that a suspect that is apprehended near the crime scene is probably guilty and that police officers would not have presented an innocent individual." Even simple things not apparent to the eyewitness can influence their decisions and therefore their accuracy in determining the true, guilty suspect. For example, police bringing in a potential perpetrator who is wearing hand cuffs subconsciously shows the witness that the perpetrator must have been apprehended by police recently, which tells the eyewitness that this person must be guilty because they are wearing hand cuffs. The problem of suggestion all ties into an unfortunate truth: some police simply want the quickest ending for each criminal trial. Unfortunately, this is also no exception for some police interrogations. However, that conversation would open up a completely different can of worms.

There is also another glaring issue that coincides with suggestion regarding police lineup procedures. Police can instill confidence within an eyewitness. More specifically, police can suggest certain things during lineups, such as "we were *also* thinking that he was the suspect!" This can give the eyewitness confidence in their choice, which lingers with them as they go through more potential lineup procedures or even further on into a criminal trial against the

perpetrator. As Kappes et. al. (2020) describes, “Humans tend to discount information that undermines past choices and judgements.” Unfortunately, when we are extremely confident in something, it becomes increasingly difficult to change our minds and attitudes, and confidence is extremely important in the court room. This confidence truly matters, too. According to Slane and Dodson (2022), it has been found that eyewitness confidence appears to be the single best predictor of guilty or non-guilty verdicts, meaning that the more confident an eyewitness appears to be about their decision, the more likely it is that the chosen perpetrator will be found guilty of the crime. This can be looked at as sort of a butterfly effect. The authorities instill confidence in the eyewitness, the eyewitness misidentifies a perpetrator due to their confidence, the perpetrator goes to trial, and the extreme confidence of the eyewitness persuades the jury to convict the innocent person.

It is not just explicit suggestions that can influence an eyewitness, however. The human brain is notorious for unconscious biases. For example, an eyewitness who is influenced by media portrayals or stereotypes may unconsciously lean towards identifying a suspect from a lineup due to whatever preconceived notion or picture of a criminal they unconsciously store in their mind. Unfortunately, these subconscious biases can infiltrate the lineup process. This leads to flawed identifications which can in turn lead to innocent civilians being put behind bars for a great number of years. Recall the previous fact from Wixted et. al. (2016), which stated that over 70% of the 333 wrongful convictions overturned from DNA evidence since 1989 were a result of eyewitness misidentification. It is easy to see, then, how a great portion of these misidentifications could have happened due to biased or unjust lineup procedures.

So now, a question lingers: how do we prevent police lineup biases from influencing eyewitness accuracy? This question can simply be solved by police not placing a bias upon the

lineups. Of course, this is not a simple answer. We can start by making sure all lineups are fair, with the physical characteristics of the alleged perpetrator being displayed by all of the people within the lineup. For example, if the perpetrator is Hispanic with an arm tattoo, all of the lineup participants must share these qualities. Also, it is of highest importance to not include suggestion when conducting a lineup. Phrases such as “we *also* thought it was this person” are absolutely unacceptable, because we do not want to instill confidence in an eyewitness if there is no just reason to do so. This is a major reason why double-blind lineups are of great importance. A double-blind lineup is one in which neither the administrator of the lineup nor the eyewitness knows which member of the lineup is the suspect. As stated by Kovera & Evolo (2020), double-blind procedures eliminate the possibility of suggestion from the administrator; a major stepping stone in the improvement of lineup validity and the increase of eyewitness accuracy, while also decreasing the amount of innocent people being put behind bars. It is also important to train jurors on the effects of eyewitness confidence within a trial. We do not want confidence from suggestion being a tool used against a just trial.

All in all, there is much work to be done regarding bias in lineups. There are many factors which go into influencing an eyewitness either for better or for worse. Although on paper it is impossible for biases to be completely eliminated in the criminal justice system, it is important that we continue to strive for betterment with each passing day in order for innocent lives to be saved from being put in prison.

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