

Experimental Assessment of the Effectiveness of Judicial Instructions and of Expert Testimony in Improving Jurors' Evaluation of Eyewitness Evidence

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Abstract : Eyewitness misidentifications can sometimes lead to wrongful convictions of innocent people. This occurs in part because jurors tend to believe confident eyewitnesses even when the identification took place under suggestive conditions. Empirical research demonstrated that jurors are often unaware of the factors that can influence the reliability of eyewitness identification. Most common legal safeguards that are designed to educate jurors about eyewitness evidence are judicial instructions and expert testimony. To date, very few studies assessed the effectiveness of judicial instructions and most of them found that judicial instructions make jurors more skeptical of eyewitness evidence or do not have any effect on jurors' judgments. Similar results were obtained for expert testimony. However, none of the previous studies focused on the ability of legal safeguards to improve jurors' assessment of evidence obtained from suggestive identification procedures—this is one of the gaps addressed by this paper. Furthermore, only three studies investigated whether legal safeguards improve the ultimate accuracy of jurors' judgments—that is, whether after listening to judicial instructions or expert testimony jurors can differentiate between accurate and inaccurate eyewitnesses. This presentation includes two studies. Both studies used genuine eyewitnesses (i.e., eyewitnesses who watched the crime) and manipulated the suggestiveness of identification procedures. The first study manipulated the presence of judicial instructions; the second study manipulated the presence of one of two types of expert testimony: a traditional, verbal expert testimony or expert testimony accompanied by visual aids. All participants watched a video-recording of an identification procedure and of an eyewitness testimony. The results indicated that neither judicial instructions nor expert testimony affected jurors' judgments. However, consistent with the previous findings, when the identification procedure was non-suggestive, jurors believed accurate eyewitnesses more often than inaccurate eyewitnesses. When the procedure was suggestive, jurors believed accurate and inaccurate eyewitnesses at the same rate. The paper will discuss the implications of these studies and directions for future research.

Keywords : expert testimony, eyewitness evidence, judicial instructions, jurors' decision making, legal safeguards

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