

The Effect of Post-Identification Feedback Evidence and Peripheral Trial
Information on Jury Decision Making

Peter Donovan and Dr. Deah Quinlivan

Florida Southern College

Abstract

Post-Identification Feedback (PIF) is a phenomenon that occurs in the criminal justice system following an identification of a suspect when a lineup administrator gives witnesses information regarding their decision. PIF can impact witnesses' retrospective judgments about what they saw, such as certainty (Steblay, Wells & Douglass, 2014), making mistaken eyewitnesses appear reliable. PIF is problematic, but it is possible that if jurors are able to recognize and understand the influence PIF has on eyewitness certainty, they can alter the extent to which they use that witness' testimony in their decision-making. Already, researchers are recommending that jurors be allowed to see videos of eyewitness identification procedures in case PIF has occurred (Kassin, 1998; Steblay, Wells, & Douglass, 2014). However, the authors of this study believe that these videos might create a secondary transfer of certainty; that is, a juror who sees an eyewitness being told they chose the correct person might be more erroneously certain that the eyewitness is correct.

To test whether jurors are able to recognize the impact of PIF on an eyewitness, this study utilized a 2 (no feedback vs. feedback) x 2 (no instructions vs. instructions) x 2 (trial type: eyewitness only vs. all info provided) variable design. Participants, who took on the role of mock-juror, were asked to read half of a trial transcript, watch one of two randomly assigned eyewitness identification videos, finish the rest of the trial transcript, and then make verdict decisions and answer questions about their perceptions of the eyewitness.

The Effect of Post-Identification Feedback Evidence and Peripheral Trial Information on Jury Decision Making

It is a widely known fact that our court system often uses eyewitness identification evidence in making important decisions; however, it is unfortunately less well-known that mistaken eyewitnesses have contributed to 75% of wrongful conviction cases (innocenceproject.org). Furthermore, in 38% of those cases that involved a mistaken eyewitness, there were multiple eyewitnesses that all claimed that the wrongfully accused was, in fact, the perpetrator. Psychological research has also demonstrated that eyewitnesses can often be inaccurate despite appearing confident (Wells and Quinlivan, 2009; Wells & Bradfield 1998; 1999). Over 30 years of research has been conducted to ascertain exactly how mistaken eyewitnesses can become so confident in their incorrect identifications. Post-identification feedback (PIF) is one of the most studied variables that impacts eyewitness confidence (Wells & Bradfield, 1998; 1999, Neuschatz et al., 2005; Wells & Bradfield, 1998; Wright & Skagerberg, 2007, Wells & Quinlivan, 2009).

Post-identification feedback is the phenomenon that occurs when a lineup administrator gives seemingly diagnostic information to an eyewitness after the witness has made an identification from a lineup (Wells & Bradfield, 1998, Steblay, Wells, & Douglass, 2014). Comments such as, "Good, you selected the suspect we are investigating," can increase inaccurate eyewitness' certainty in their identification (Clark, 2012). The malleability of eyewitness confidence is remarkable, because the United States Supreme Court has established

this factor as an indicator of eyewitness reliability (*Neil v. Biggers*, 1972; *Manson v. Braithwaite*, 1977), and psychology research has demonstrated that jurors are more likely to believe a confident eyewitness (Cutler, Penrod, & Dexter, 1990). PIF has also been shown to impact other retrospective judgments relevant to the eyewitness' testimony (e.g., how good of a view the witness had, how much attention the witness paid, etc., see Wells & Bradfield, 1998). Additionally, research has demonstrated that the adverse effects of PIF persist across a retention interval (Neuschatz et al., 2005) and have been demonstrated to impact real eyewitness testimony (Wright & Skagerberg, 2007). Recently, the Oregon Supreme Court noted that the impact of PIF has a deleterious effect on the integrity of eyewitness reliability (*Oregon v. Lawson*, 2012). These findings, along with the recent Oregon Supreme Court statement, highlight the need to further investigate how PIF impacts jury decision-making, and how it can be effectively mitigated.

Wells and Bradfield (1998) were among the first to examine post-identification feedback, providing a cue-accessibility interpretation for the phenomenon. Similar to the self-perception theory of attitudes (Bem, 1972), the cue-accessibility account suggests that during the identification, witnesses do not consciously make decisions about their retrospective judgments (e.g., how confident they are, how good of a view they had, etc.). Because the witnesses make no "online" record of such judgments, these witnesses might answer any future questions about their certainty, view, attention, etc., using additional, contextual information. For example, imagine the situation in which a witness chooses incorrectly from a target-absent lineup and is then told, "Good, you selected the actual suspect." The witness might very well use the PIF to decide, "The investigator said I was correct; therefore, I can be certain in my identification; I

must have had a good view, and I must have had a good basis to make an identification." This example illuminates the impact PIF can have on eyewitnesses' retrospective judgments. Such feedback produces artificially-inflated confidence in eyewitnesses which can make him or her appear more reliable before a jury. Research by Wells and Bradfield (1999) substantiated the cue-accessibility account, and they found that it was possible to mitigate some of the effects of PIF by asking participants to think about the retrospective judgments *before* they received the PIF. Unfortunately, a follow-up study that included a retention interval after the initial certainty statement and before the retrospective reports found this effect to be short-lived by demonstrating that witnesses seem to recall and incorporate the PIF more readily than they do their original certainty statement (Quinlivan et al. 2009).

Charman, Carlucci, Vallano and Gregory (2010) later expanded on the cue-accessibility account. They proposed a more elaborate explanation behind the PIF effect, which they adapted from the attitude-accessibility literature. This theory, known as the selective cue integration framework (SCIF) proposes that there are three stages a witness goes through when they are asked to provide their retrospective judgments. First, witnesses assess the strength of their internal cues for the event (e.g., did they have an ecphoric experience where the suspect "popped out to them"?). Eyewitnesses who have strong internal cues to accuracy can use these cues to decrease the impact of PIF on their retrospective judgments dramatically. However, participants with weak internal cues are more likely to incorporate contextual or external cues, such as PIF, into their retrospective reports. Therefore, PIF is most impactful to participants who are inaccurate, as they are more likely to demonstrate false certainty inflation than are those who are accurate. The SCIF framework allows eyewitnesses to determine whether they believe the

external cues are credible before incorporating the information. It is important to note that these judgments may or may not be automatic, making it difficult for witnesses to identify what information they are relying on when providing these judgments.

The theoretical underpinnings behind the PIF phenomenon suggest that these inflations in retrospective judgments arise due to the witnesses having a lack of strong internal cues, relying on external diagnostic cues when assessing their own confidence in their recollections. Because it is up to jurors (often people with no background in psychology whatsoever) to evaluate and use eyewitness testimony, it is likely that this issue is completely overlooked. One frequently-made suggestion is to record the witnesses making their identification and allow jurors to see this in a video format at trial (Kassin, 1998; Steblay, Wells, & Douglass, 2014). In fact, research on the impact of videotaped identifications demonstrated that the additional information provided by these videos allows mock-jurors to recognize variables that might have affected eyewitnesses' retrospective reports (Douglass & Jones, 2013). Therefore, while PIF is problematic in that the witness is often unaware that information outside of their identification may be impacting their retrospective judgments, it is possible that jurors can view the identification procedure and accurately recognize that PIF might taint the reliability of the eyewitness evidence at hand. Therefore, it is possible that introduction of this video evidence into the courtroom may lead to more accurate verdict decisions.

Alternatively, it may be the case that videotaping the identification procedure may not provide any beneficial information to jurors. For example, a study conducted by Beaudry and colleagues (2015) demonstrated that participants who watched videotaped identification procedures still viewed the witnesses in a biased lineup condition as being more accurate

compared to witnesses from a "best-practice" condition. These findings suggest that, even if jurors can notice that PIF occurred, this might not reduce the credibility of the eyewitness evidence. Given that showing juries video of identification procedures is a frequently-offered recommendation (Stebly, Wells, & Douglass, 2014), it is imperative to assess how, if at all, jurors interpret this information. To this end, this study was designed to investigate whether mock jurors are sensitive to recognizing that PIF may be detrimental to an eyewitness' testimony and, if so, whether or not they successfully incorporate this awareness into their verdict decisions. Additionally, the study also manipulated whether the lineup instructions were present or not present, as this is also information that may aid jurors in recognizing whether an identification was suggestive.

In an experiment last year (hereafter referred to as simply "Experiment 1"), Florida Southern College faculty and student researchers conducted an experiment to examine how participants (playing the role of "juror") would react to an eyewitness identification as part of the evidence presented in a sample trial. The researchers assigned participants to one of four conditions in which the authors manipulated the type of identification instruction (no instruction vs. instruction) and feedback (no feedback vs. feedback) shown in a recorded video of an eyewitness and a law enforcement officer completing an eyewitness identification procedure. The participants watched the identification video, read supplemental mock trial information, and completed questionnaires regarding their perception of the eyewitness' performance and how they, as jurors, would rule on the case.

This experiment utilized a similar design but also varied the supplemental trial information given, such that participants received either a case containing multiple pieces of trial

evidence (e.g., an eyewitness, private investigator, coroner, etc., consistent with Experiment 1), or a case in which the eyewitness is the only evidence presented. This variation of information available to the participant was intended to allow better assessment of whether PIF poses a greater threat to juror decision-making when there is less available information to aid in the juror's decision-making process. Additionally, this experiment featured two “no video” conditions intended to examine whether participants will perceive eyewitnesses differently as a result of the extra information contained in the videos.

The results from Experiment 1 revealed differences in perceptions regarding the witness; however, there was no overall effect of PIF on guilty verdicts. One possible reason for this lack of difference could be that while PIF and instruction type impacts witness perceptions, there was enough additional information that participants could make their verdict decision without having to rely heavily on their perception of the eyewitness identification. Therefore, it could be the case that PIF may have more of an impact when there is less additional information available to jurors. To this end, this experiment included a new trial condition in which, unlike in Experiment 1, the only information available to the mock-juror participants is pertinent to the eyewitness. Should PIF impact guilty verdicts, this eyewitness-only trial condition was expected to provide the most likely instance for this to occur.

Additionally, this experiment sought to determine whether or not having a video of the eyewitness is beneficial. While it seems intuitive that having access to this additional video information should aid jury decision-making, research has shown it can be problematic in certain situations (Beaudry et al., 2015). Therefore, it is also necessary to test the assumption that these eyewitness videos would, in fact, be beneficial to juries. Therefore, the researchers utilized two

“no video” conditions for both the all-information and eyewitness-only trials. Participants read the same information as those in the video condition; however, they did not view the eyewitness video. Thus, in this experiment, the researchers focus the research as to whether PIF might be significantly influential in addition to testing if researchers should make recommendations for the legal system.

Methods

Participants

Participants were recruited from undergraduate student body at Florida Southern College. They were recruited using the SONA sign-up and scheduling system. Participants were incentivized to join the study through the granting of participation assignment credit in their psychology classes.

Design

This study utilized a 2 (Instructions: no instructions, unbiased instructions) X 2 (Post Feedback: no feedback, feedback) X 2 (Trial Type: eyewitness information only, all information) between-participants design with two control conditions that did not present participants with the eyewitness videos. Thus, participants in these trials were only provided with the information included in either the eyewitness information only or all information transcripts. It is important to note that these control conditions did not include any information regarding feedback or instructions, as the purpose of the study is also to determine whether the videos, which would have all of this potentially-forgettable information, changes juror sentiments. All participants were randomly assigned to one of the conditions. The dependent variables of interest are

participants' mock trial guilty verdicts, ratings of guilt and innocence likelihood, and judgments about the eyewitness in the case. The questions about the eyewitness related to relevant metrics such as how certain the participant perceives the witness to be, how good of a view they believe witness had, etc. These questions were adapted from those used by Wells and Bradfield (1998; 1999).

Materials

Trial transcripts. All participants were presented with one of two trial transcripts adapted from Kassin and Sommers (1997). The first trial transcript was the exact same as the one utilized in Experiment 1 (for the "all information" condition). However, the second trial transcript contained only information about the eyewitness (for the "eyewitness only information" condition). To create the eyewitness only condition, the original transcript was adapted such that all information other than the eyewitness' testimony was removed. The transcript was provided to the participants in two parts. After reading the eyewitness' testimony, the first part of the trial transcript was concluded and participants viewed one of four witness videos, unless they were in one of the 2 non-video control conditions. The second half of the trial transcript commences after the witness video ends. Those in the non-video condition were directed to the second part of the trial. Participants in the all-information condition read the first part of the trial and were introduced to facts regarding a murder investigation, opening statements from the defense and prosecution, and four witness statements. Importantly, the last witness to testify is the eyewitness to the crime. After reading the eyewitness's testimony, the first part of the trial transcript was concluded and participants in conditions including video evidence viewed one of four eyewitness identification process videos. The second half of the

trial transcript contains testimony from another witness followed by the prosecution and defense presenting their closing statements and the judge providing the jury instructions. In addition to the eyewitness evidence, the trial also presents information regarding a private investigator who worked for the defendant, information regarding an alibi, a police officer that secured the area, a coroner describing how the victim died, information regarding the murder weapon, and the killer's estimated height and dominant hand, which match the defendant. Participants in the eyewitness-only condition read a version of the transcript that omits the supplemental evidence.

Witness videos. A total of four videos were created for the purpose of Experiment 1; these videos were used again (but no participant of Experiment 1 will participate in this experiment, preventing the possibility of result contamination). The videos depicted a police officer asking an eyewitness to make an identification from a simultaneous photographic array of suspects. The design was a 2 (Instruction Type: no instruction, unbiased instruction) x 2 (Post Identification Feedback: feedback, no feedback) between-subjects design resulting in the following conditions: No Instruction/Feedback, No Instruction/No Feedback, Unbiased/Feedback, and Unbiased/No Feedback. In the no instruction condition, participants heard the police officer say "Hello, Mr. Reynolds. Today you will be viewing a photo array regarding your case. Here we have a collection of five individuals." Alternatively, participants in the unbiased condition heard "Hello, Mr. Reynolds. Today you will be viewing a photo array regarding your case. Here we have a collection of five individuals. Please note that the actual suspect may or may not be in the lineup, but we do want to see if you can make an identification decision." For both conditions, participants watched the witness open a folder and flip over a simultaneous photographic lineup. The witness stared at the lineup for 10 seconds and then

identified suspect three. After the eyewitness made their identification, participants who were in a feedback condition heard the officer say, “Number three? You picked exactly who we thought it was.” Conversely, participants who were in a no feedback condition did not hear a statement after the identification. To ensure that the videos were as similar as possible, an original video was filmed that contained the unbiased instructions and the feedback. These videos were then edited to meet the requirements of the other video conditions. Therefore, all four videos to be used were identical except for the independent variables.

Questionnaires.

Verdict beliefs. This questionnaire asked participants to provide a verdict decision as well as an indication of how confident they were in that decision. Participants were also asked to provide a percentage of how likely it was that the defendant actually committed the crime.

Post-identification feedback. Participants were asked to make judgments regarding the witness’s viewing conditions. This questionnaire was adapted from Bradfield and Wells (1998) and contains standard questions regarding testimony-relevant components of the witness’s experience (e.g., “How certain were you the eyewitness identified the perpetrator?”, “How good of a view do you think the witness got?”, etc.).

Manipulation check for lineup instructions. In this questionnaire, participants were asked to indicate whether the investigator had said anything prior to the witness making an identification. If a participant indicated that the investigator did say something, they were asked to specify exactly what was said via an open-ended response question. Participants also answered a multiple-choice question regarding what was said. The possible answers were as follows: (A.) The person you saw is in one of these photos. Please point to him, (B.) Is the

person you saw in any of these photos?, (C.) Here we have a collection of five individuals, the actual suspect may or may not be in the lineup but we do want to see if you can make an identification decision, (D.) Here we have a collection of five individuals, (E.) No statement. no manipulation checks for instructions were given to participants in the no video conditions.

Manipulation check for feedback. Similar to the manipulation check for lineup instructions, participants were then asked whether the investigator said anything to the eyewitness after the identification. If a participant indicated that the investigator did say something, they were asked to specify exactly what was said. Next, participants were given a multiple-choice question. The possible answers were as follows: (A.) You picked exactly who we thought it was. (B.) Are you sure? Do you want to look again? or (C.) No statement. No manipulation checks for feedback were given to participants in the no video conditions, since these participants did not see the relevant material.

Procedure

The study was conducted in a medium sized laboratory room where the survey was presented via SurveyMonkey.com. Prior to beginning the study, participants were asked to provide informed consent in order to take part in the study. Participants were instructed that they would be acting as a juror and would be reading a trial transcript. Participants began by reading the first half of the adapted trial transcript. Once participants reached the point in the trial where the eyewitness provides testimony, they were randomly assigned by the survey software to one of the four video conditions. Participants then saw their assigned eyewitness video. Once the video ends, participants finished reading the second half of the trial. Following this, participants completed the two questionnaires assessing their verdict decision and judgments about the

witness. Next, participants received the manipulation check questions for the lineup instructions, followed by the manipulation check questions about the feedback. Finally, participants' demographic information was recorded, they were debriefed, and then thanked for their participation in the study.

Results

Verdict

A logistic regression analysis was conducted to evaluate the impact of Trial Type, Instruction Type, and Feedback on guilty verdicts. The test of a full model compared to a constant model revealed that the model was not statistically significant, indicating that Instruction Type and Feedback did not influence overall verdict decisions (chi square = 2.32, $p = .51$). There was an Instruction x Verdict interaction, $F(8, 253) = 2.47$, $p = .01$.

Verdict Confidence

A 2 (Trial Type: eyewitness only, all info) X 2 (Instructions: unbiased instructions, no instructions) x 2 (Feedback: no feedback, feedback) x 2 (Verdict: not guilty, guilty) between-participants ANOVA was used to assess confidence in verdict decision, revealing a main effect for verdict, $F(1, 416) = 88.02$, $p = .00$. Participants who voted guilty were more confident in their verdict decision ($M=7.95$, $SEM = .14$) compared to those who voted not guilty ($M=6.10$, $SEM = .14$). No other main effects or interactions were significant.

A 2 2 (Trial Type: eyewitness only, all info) X 2 (Instructions: unbiased instructions, no instructions) x 2 (Feedback: no feedback, feedback) x 2 (Verdict: not guilty, guilty) between-participants ANOVA was used to assess how likely the participant thought it was that

the defendant actually committed the crime. There was a main effect for verdict decision group, $F(1, 414) = 332.10, p = .00$. Those participants in the guilty verdict group reported that they thought it more likely that the defendant committed the crime ($M = 85.73, SEM = 1.26$) compared to those in the not-guilty verdict group, ($M = 53.57, SEM = 1.22$). .

Retrospective Identification Judgments

Certainty: Because certainty is such an important part of eyewitness research, we conducted a separate analysis for certainty. In line with other research using the retrospective judgment questionnaire, all other testimony-relevant judgments about the eyewitness were conducted using a MANOVA. First, data was collapsed across guilty verdict and a 2 (Trial type: eyewitness only, all info) X 2 (Instructions: unbiased instructions, no instructions) x 2 (Feedback: no feedback, feedback) between-participants ANOVA was conducted in order to assess how certain the participant was in their belief that the eyewitness was correct in their identification. The analyses revealed there was a main effect for feedback condition on certainty, $F(1, 423) = 7.22, p = .007$, such that those participants in the feedback group reported greater certainty that the eyewitness was correct in his identification ($M = 65.32, SEM = 1.84$) compared to those in the no feedback condition, ($M = 58.18, SEM = 1.91$).

Next, a 2 (Trial Type: eyewitness only, all info) X 2 (Instructions: unbiased instructions, no instructions) x 2 (Feedback: no feedback, feedback) x 2 (Verdict: not guilty, guilty) between-participants ANOVA was conducted to assess how certain the participant was in their belief that the eyewitness was correct in their identification. There was a main effect for verdict decision group, $F(1, 415) = 208.29, p = .00$. Those participants in the guilty verdict group reported that they were more certain that the eyewitness was in his identification ($M = 77.84$,

SEM = 1.57) compared to those in the no feedback condition, ($M = 46.19$, SEM = 1.53).

There was also a Feedback X Verdict interaction, $F(1, 415) = 4.23$, $p = .04$. Pairwise comparisons to follow-up the significant interaction indicated that those who rendered a guilty verdict and watched the video with feedback were more certain that the eyewitness was correct ($M = 81.82$, SEM = 2.06) compared to those who rendered a guilty verdict and watched the video with no feedback ($M = 73.86$, SEM = 2.37), $F(1, 415) = 6.42$, $p = .01$., and those who rendered a not guilty verdict and watched the video with feedback, ($M = 45.66$, SEM = 2.24), $F(1, 415) = 141.73$, $p = .00$. There was also a significant difference between those who voted not guilty and saw the no feedback video ($M = 46.72$, SEM = 2.09) and those who voted not guilty and watched the feedback video, $F(1, 415) = 73.57$, $p = .00$. Conversely, there was no difference in reports of certainty that the eyewitness was correct for those who rendered a not guilty verdict and received no feedback or feedback, $F < 1$.

Other Eyewitness Relevant Variables: A 2 (Trial Type: eyewitness only, all info) X 2 (Instructions: unbiased instructions, no instructions) x 2 (Feedback: no feedback, feedback) x 2 (Verdict: not guilty, guilty) between-participants MANOVA was conducted on the remaining 8 eyewitness-relevant variables. The MANOVA indicated 3 main effects, 4 two-way interactions and 2 three-way interactions. There was a main effect of instructions, $F(8, 409) = 4.72$, $p = .02$, Wilks' Lambda = .92, a main effect for feedback, $F(8, 409) = 7.19$, $p = .00$, Wilks' Lambda = .88, and a main effect for verdict, $F(8, 409) = 44.45$, $p = .00$, Wilks' Lambda = .56. In addition, there a Trial X Feedback interaction, $F(8, 409) = 2.28$, $p = .02$, Wilks' Lambda = .96. There was an Instructions x Feedback interaction, $F(8, 409) = 5.8$, $p = .00$, Wilks' Lambda = .90. There was an Instructions x Verdict interaction, $F(8, 409) = 5.5$, $p = .00$, Wilks' Lambda = .90. There

was a Feedback X Verdict interaction, $F(8, 409) = 5.2$, $p = .00$, Wilks' Lambda = .91. There was a 3 way interaction of Trial x Instruction x Verdict, $F(8, 409) = 2.15$, $p = .03$, Wilks' Lambda = .96. Finally, there was a 3-way interaction for Instructions x Feedback x Verdict interaction, $F(8, 409) = 6.27$, $p = .00$, Wilks' Lambda = .89.

View: There was a main effect for instruction condition on view, $F(1, 260) = 6.84$, $p = .01$. Those participants in the unbiased instruction group reported that they thought the eyewitness had a better view ($M = 4.48$, $SEM = .17$) compared to those in the no instruction condition, ($M = 3.86$, $SEM = .16$). There was also a main effect for feedback condition, $F(1, 260) = 5.43$, $p = .02$, such that those participants in the feedback group reported that they thought the eyewitness had a better view ($M = 4.45$, $SEM = .17$) compared to those in the no instruction condition, ($M = 3.90$, $SEM = .17$). Finally, there was a main effect for verdict on view, $F(1, 260) = 111$, $p = .00$. Participants who rendered a guilty verdict reported that they thought the eyewitness had a better view ($M = 5.42$, $SEM = .17$) compared to those in the no instruction condition, ($M = 2.92$, $SEM = .17$).

There was an Instruction x Feedback interaction, $F(8, 253) = 6.13$, $p = .01$. Pairwise comparisons to follow-up the significant interaction indicated that those who watched the video with the feedback and instructions believed that the eyewitness had a better view ($M = 5.05$, $SEM = .25$) compared to those who watched the video with feedback and no instructions ($M = 3.84$, $SEM = .22$), $F(1, 260) = 12.96$, $p = .00$), and than those who watched the video with no feedback and instructions, ($M = 3.91$, $SEM = .23$, $F(1, 260) = 11.15$, $p = .00$. Conversely, there was no difference in reports of the witness's view for those who watched the video with instruction and feedback compared to those who watched the video with and no instructions and

no feedback ($M = 3.88$, $SEM = .24$), or compared to those who watched the video with instruction and no feedback, $F_s < 1$.

Pairwise comparisons to follow-up the significant interaction indicated that those who rendered a guilty verdict and watched the video with instructions believed that the eyewitness had a better view ($M = 5.96$, $SEM = .24$) compared to those who rendered a guilty verdict and watched the video with no instructions ($M = 4.90$, $SEM = .23$), $F(1, 260) = 9.58$, $p = .002$), those who rendered a not guilty verdict and watched the video with instructions, ($M = 3.02$, $SEM = .24$, $F(1, 260) = 72.83$, $p = .00$, and those that rendered a not guilty verdict and watched the video with no instructions, ($M = 2.82$, $SEM = .23$), $F(1, 260) = 40.04$, $p = .00$. Conversely, there was no difference in reports of the witness's view for those who rendered a not guilty verdict and received no instructions or instructions, $F < 1$. There was a Verdict x Feedback interaction, $F(8, 253) = 3.77$, $p = .00$. Pairwise comparisons to follow-up the significant interaction indicated that those who watched the video with the feedback and rendered a guilty verdict believed that the eyewitness had a better view ($M = 5.90$, $SEM = .23$) than those who watched the video with no feedback and rendered a guilty verdict ($M = 4.93$, $SEM = .24$), $F(1, 260) = 8.43$, $p = .00$), and those who watched the video with feedback and rendered a not guilty verdict, ($M = 2.99$, $SEM = .24$), $F(1, 260) = 75.63$, $p = .00$). There was also a significant difference between those who rendered a guilty verdict and watched the video with no feedback, compared to those who rendered a not guilty verdict and watched the video with no feedback, ($M = 2.86$, $SEM = .23$), $F(1, 260) = 38.36$, $p = .00$). There was no significant difference for those who rendered a not guilty verdict and watched the video with no feedback or feedback, $F < 1$.

Specific features of the perpetrator's face: With regard to the belief that witnesses were able to make out specific features of the perpetrator's face, there was a main effect for feedback, $F(1, 260) = 7.55, p = .01$, such that participants in the no feedback group reported that they thought the eyewitness were better able to make out the features of the perpetrator's face ($M = 3.53, SEM = .16$) compared to those in the feedback condition, ($M = 2.91, SEM = .16$). . There was also a main effect for verdict decision, $F(1, 260) = 66.66, p = .00$. Those participants who rendered a guilty verdict reported that they thought the eyewitness was better able to make out the features of the perpetrator's face ($M = 4.14, SEM = .16$) compared to those in the not guilty verdict group, ($M = 2.30, SEM = .16$).

Attention: There was a main effect for verdict decision on the amount of attention the participant thought the eyewitness paid to the perpetrator, $F(1, 260) = 152.41, p = .00$. Participants in the guilty verdict group reported that they thought the eyewitness paid more attention to the perpetrator's face ($M = 5.65, SEM = .17$) compared to those in the not guilty verdict group, ($M = 2.59, SEM = .18$). .

Additionally, there was a Feedback X Verdict interaction, $F(1, 260) = 10.05, p = .00$. Those whose video rendered a guilty verdict and watched the video with feedback said that the eyewitness paid more attention to the perpetrator, ($M = 6.22, SEM = .24$) compared to those who rendered a guilty verdict and watched the video with no feedback ($M = 5.07, SEM = .26$), $F(1, 260) = 10.88, p = .001$, compared to those who watched the video with feedback and rendered a not guilty verdict, ($M = 2.39, SEM = .26$), $F(1, 260) = 120.21, p = .00$, and compared to those who rendered a not guilty verdict and watched the video with no feedback, ($M = 2.80, SEM = .24$), $F(1, 260) = 42.11, p = .00$.

Basis: There was a main effect for verdict decision on the participant's belief as to the basis that the eyewitness had to make an identification, $F(1, 260) = 78.9, p = .00$. Those participants in the guilty verdict group reported that they thought the eyewitness had a better basis to make an identification ($M = 4.92, SEM = .17$) compared to those in the not guilty verdict group, ($M = 2.77, SEM = .17$). .

Ease of identification: There was a main effect for verdict decision on the participant's belief that it was easy for the eyewitness to make an identification, $F(1, 260) = 9.19, p = .00$. Those participants in the guilty verdict group reported that they thought that it was easier for the eyewitness to make an identification ($M = 6.12, SEM = .25$) compared to those in the not guilty verdict group, ($M = 5.05, SEM = .25$).

Likelihood that the eyewitness chose the actual perpetrator: There was a main effect for verdict decision on the participant's belief the eyewitness chose the correct person from the lineup, $F(1, 260) = 93.52, p = .00$. Those participants who were in the guilty verdict group reported that they thought that it was more likely that the eyewitness chose the correct person from the lineup ($M = 6.31, SEM = .19$) compared to those in the not guilty verdict group, ($M = 3.75, SEM = .19$).

Discussion

, and how its potentially damaging impact on our country's criminal justice system can be mitigated.

The post-identification feedback effect remains a serious problem for our legal system. As discussed earlier, a substantial proportion of wrongful convictions in America are attributable in some way to mistaken eyewitness testimony (innocenceproject.org). Prior research has strongly indicated that the post-identification feedback effect can artificially inflate a witness' confidence in his or her lineup selection, and even retroactively alter his or her memory of the event witnessed (Wells & Bradfield, 1998; 1999, Neuschatz et al., 2005; Wright & Skagerberg, 2007, Wells & Quinlivan, 2009; Clark, 2012; Steblay, Wells & Douglass, 2014).

Not only has the United States Supreme Court established eyewitness confidence as a legally acceptable measure by which reliability may be judged; experimental research has also shown that jurors are naturally more likely to believe testimony delivered by a witness they perceive as confident (*Neil v. Biggers*, 1972; *Manson v. Braithwaite*, 1977; Cutler, Penrod, & Dexter, 1990). Thus, it is easy to understand just how problematic any psychological phenomena which increases the confidence of potentially mistaken witnesses can be. Because our legal system, in its current state, relies on the assumption that a confident witness is a reliable witness, there is ample opportunity for unjust legal outcomes to arise whenever mistaken witnesses appear confident to a judge or jury.

Some researchers have called for jurors to be shown video footage of eyewitness identification procedures in court, with the stated goal of mitigating the deleterious effects PIF

can have on our justice system's outcomes (Kassin, 1998; Steblay, Wells, & Douglass, 2014).

The reasoning behind these recommendations holds that jurors will be able to see for themselves how witnesses may have been influenced by feedback, and correct for it accordingly. Although some research has indicated that mock jurors can indeed recognize factors related to PIF that can influence eyewitnesses, research has also indicated that the mock jurors themselves are susceptible to its influence as well (Douglas & Jones, 2013; Beaudry and colleagues, 2015). Thus, this study sought to further investigate whether or not it is beneficial to show jurors eyewitness identification procedure footage.

The data obtained in this experiment indicates that the variables altered in this study significantly impacted several measures which were assessed by the participants' final questionnaires. The mock jurors' reports of verdict confidence, certainty, attention, ability to make out facial characteristics, selection basis, ease of identification, and likelihood of correctness were all influenced by the conditions into which they were placed. Interestingly, however, there was no significant effect on the jurors' actual verdict decisions themselves.

The researchers did not anticipate that the rates of guilty verdict decisions would not be impacted by the variables tested for in this experiment. It is likely that these results do not comprehensively predict outcomes in a similar real-world trial, for several reasons. For one, this experiment took no more than 30 minutes per participant to perform; in contrast, criminal proceedings in real life can last anywhere from a few weeks to over a year in duration. As prior research has established, the problematic effects of PIF are extant across a retention interval (Quinlivan et al. 2009, Neuschatz et al., 2005). In fact, these effects are more than merely extant over a retention interval – an interval can actually cause them to increase in magnitude,

displacing a witness' own original recollections in favor of encouraging input from an authority figure. It is quite possible that a similar retention phenomenon impacts jurors in the same way, particularly over the course of a long and grueling trial. A great deal more research is needed to determine whether or not jurors shown videos of identification procedures are affected by PIF, and if so, whether its effects are retained and/or amplified across a retention interval.

Another factor which bears further examination is the trial used for the experiment. Even though this experiment did test whether or not mock jurors exposed to different amounts of trial information would report different verdicts and perceptions of eyewitness performance, it did so using only one trial from which some information was omitted in certain participant conditions. In order to adequately confirm or disconfirm the results obtained here, further experiments using different trials altogether ought to be performed.

Overall, the data obtained by this experiment strongly indicates that jurors can indeed be influenced by PIF, even by simply showing them a video of an eyewitness identification procedure. Although verdict decisions were not specifically shown here to be significantly impacted by PIF, other measures confirm that the effect does indeed influence mock jurors to some extent. The authors strongly recommend that further experimentation be conducted to comprehensively investigate exactly how PIF can influence jurors and their decisions in the real world, and how its potentially damaging impact on our country's criminal justice system can be mitigated.

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