

Eyewitness Evidence Archives

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Law Reviews and Scholarly Articles

- [Distorted Retrospective Eyewitness Reports as Functions of Feedback and Delay](#), 9 Journal of Experimental Psychology: Applied, No. 1 (2003)
- [Admissibility of Expert Identification Testimony in New York After People v Anthony Lee](#), Public Defense Backup Center Report, June 2001 (PDF)
- [Distortions in Eyewitness Recollections: Can the Post-Identification Feedback Effect be Moderated?](#), 10 Psychological Science 138 (1999)
- [Eyewitness Identification Procedures: Recommendations for Lineups and Photospreads](#), 22 Law and Human Behavior 603 (1998)
- [Good You Identified the Suspect: Feedback to Eyewitness Distorts Their Reports of the Witnessing Experience](#), 83 Journal of Applied Psychology (No. 3) 360 (1998)
- [It's Him-Or Is It? Mistaken Identity Can Land Innocent People in Jail?](#) (ABC News 1998)
- [No Confidence: A Step Toward Accuracy in Eyewitness Trials](#), Champion, Jan/Feb. 1998
- [Eyewitness Identification Sample Questions](#), 24 California Attorneys for Criminal Justice Forum (No. 2 1997)
- [Attacking Reliability of Eyewitness Testimony after Daubert](#), Champion, June 1997, at 60
- [Eyewitness Identification: 'I Noticed You Paused on Number Three,'](#) Champion, November 1996, at 10
- [In the Eye of the Beholder: Did the Witnesses Really See What They Think They Saw?](#), Champion, November 1996
- [Capital Cases--Dead Wrong: Mistaken Identifications and Capital Prosecutions](#), Champion, June 1989, at 42
- [Disputed Eyewitness Investigations: Can Experts Help?](#), Champion, June 1989, at 10
- [Exposing the Fallibility of the Eyewitness](#), Champion, April 1986, at 14

Books

- [New York Identification: The Wade Hearing, The Trial](#) (Gould Publishing 1998). This resource contains an exhaustive review of New York Identification Law including up-to-date citations and statute references. Reviewed in [New York Identification Law—The Wade Hearing—The Trial](#), Public Defense Backup Center Report, June-July 1998, at 8

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- [The Myth of Repressed Memory: False Memories and Allegations of Sexual Abuse](#) (St. Martin's Press 1996). "The nation's leading expert on memory exposes the recent wave of sex abuse charges based on 'repressed memories' as a modern-day version of the Salem witch trials." *New York Review of Books*
- [Mistaken Identification: The Eyewitness, Psychology, and the Law](#), (Cambridge University Press 1995). This book reviews "the empirical research bearing on the adequacy of procedural requirements for eyewitness identification and concludes that traditional safeguards such as presence of counsel at lineups, cross-examination, and judges' instructions, are ineffective safeguards against mistaken eyewitness identification."
- [Witness for the Defense: The Accused, the Eyewitness and the Expert Who Puts Memory on Trial](#) (St. Martin's Press 1991). "[Elizabeth] Loftus, a psychologist and an expert on memory, has testified on the fallibility of eyewitness identification in over 150 trials during the last 16 years. Here she recounts her experiences as an expert witness for various defendants, including Steve Titus, whose rape conviction was overturned with her help. She also presents her review of the John 'Ivan the Terrible' Demjanjuk case. In discussing her research on memory, Loftus reveals how some information is lost from memory or never stored." *Library Journal*
- [Eyewitness Testimony](#) (Harvard University Press 1980). "[T]his engaging and highly praised study makes the psychological case against the reliability of the eyewitness. By shedding light on the many factors that can intervene and create inaccurate testimony, Elizabeth Loftus illustrates how memory can be radically altered by the way an eyewitness is questioned, and how new memories can be implanted and old ones changed in subtle ways." [Reprinted in 1996]

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Current Developments 2001

- Wrongly accused defendant filed suit against Brooklyn DA for delaying disclosure of exculpatory surveillance tape. [Wrongly Jailed Man Sues Brooklyn DA](#), Newsday, December 14, 2001
- Brooklyn court has ordered first sequential line-up in a New York criminal case. [Judge Orders First Use of Sequential Lineup](#), New York Law Journal, November 9, 2001
- New Jersey Attorney General has issued guidelines to improve the fairness of identification procedures. [New Way to Insure Eyewitnesses Can ID The Right Bad Guy](#), New York Times, July 21, 2001. Read the guidelines, [Attorney General Guidelines for Preparing and Conducting Photo and Live Lineup Identification Procedures](#) (NJ Dept of Law and Public Safety 2001)
- Bronx Defenders advocate new method for conducting police lineups to reduce risk of misidentification. [Court Declines to Order Change in Lineup Rules](#), June 29, 2001 and [Lawyer Dares Bronx Judges to Change the Way the Police Conduct Lineups](#), New York Times, June 28, 2001
- Review of changing judicial views about expert evidence on eyewitness identification. [Judicial Attitudes and Expert Testimony on Eyewitness Identifications](#), New York Law Journal, June 8, 2001
- New York ruling on admission of expert testimony has fueled debate over reliability of eyewitness testimony. [Eyewitness Testimony Faces Increasing Criticism](#), National Law Journal, May 18, 2001
- Court of Appeals opened the door for the admission of expert evidence on eyewitness identification. [Court Lets Experts Challenge Witnesses' Accuracy in Trials](#), New York Times, May 8, 2001. Read the court's decision in [People v Lee](#), 1 No. 57 (NY May 8, 2001)
- Face recognition technology tested for use by law enforcement. [Face-Recognition Systems Offer New Tools, But Mixed Results](#), New York Times, May 3, 2001

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Current Developments 2000

- Trial of panhandler in New York City brick attack case focused attention on the dubious nature of eyewitness identification. [When Justice Hinges on What Is Seen, and Believed](#), New York Times, December 4, 2000
- Defense presented expert evidence challenging identification made in New York City brick attack case on Nicole Barrett. [In Brick-Attack Trial, Questions Over Identifications of an Assailant](#), New York Times, November 25, 2000

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Current Developments 1999

- A white witness over time is more than likely to misidentify a white suspect as being African-American according to a Penn State Researcher. [Memory of Criminal Suspects Can Go From White to Black](#), Penn State News, December 14, 1999) and [White Suspects 'Misremembered' as Black](#), Voices of Central Pennsylvania, February, 2000. [Eyewitness Evidence: A Guide for Law Enforcement \(National Institute of Justice, October 1999\)](#) [PDF]
- ['Yes, I'm Sure That's Him': Eyewitness Reliability Under Question by Experts, Courts](#), American Bar Association Journal, October 1999
- A cross-racial instruction should be given only when, as in the present case, identification is a critical issue in the case, and an eyewitness's cross-racial identification is not corroborated by other evidence giving it independent reliability. [State v. McKinley Cromedy](#) (A-166-97) (NJ April 14, 1999)
- New Jersey Supreme Court ruled that failure to give special jury instruction on cross-racial identification is reversible error. [Special Jury Instructions Needed if Cross Racial ID Uncorroborated](#), New Jersey Law Journal, April 19, 1999