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AN EXPERIENCE IN IDENTIFICATION TESTIMONY

HENRY B. BROWN¹

Identification testimony in criminal trials is often the pivotal factor in determining the verdict. At the same time such testimony is particularly susceptible of error, as many cases of "mistaken identity" attest. It is therefore an important, though neglected field of research. The work here described is a "laboratory" experiment, conducted at Dartmouth College, with students acting as witnesses.

The purpose of this study was to determine the degree of accuracy in the student group in the identification of a stranger who had unobtrusively entered the class-room.

The subject was a workman appropriately dressed, who remained in the room long enough to walk deliberately across it, passing in front of the instructor's desk, to tinker with the radiator (making some audible inquiry about the heat), to retrace his steps and leave as unceremoniously as he came. This was treated by the instructor as a casual incident and no student knew that this was merely an experiment, though 22 of them later reported that they suspected it as such, and of this number 21 were correct in their identification. Sixteen days later this man returned with five other workmen of the same general dress and appearance. The six were lined up in random order before the students, who were then asked (after about a minute's deliberation) to indicate, by filling out a questionnaire, the man they had seen on the former occasion, and to give their degree of confidence in this judgment on a five-point scale.

Four different groups of students were used. The data will be given for each group separately, and then a brief resume for the entire number.

1. A group of 30 students who had some familiarity with "surprise" tests of the reliability of testimony, who were at the time taking a course in legal psychology, was the most accurate. Twenty-three or 76.6% made a correct identification, three were unable to identify, one thought it was a "hoax", and one was "positive" (to the extent of being willing to swear in court) that the man was not

¹With the assistance of Assistant Professor Edwin Powers, Dartmouth College.

in the line-up, and two identified the wrong man. One of the latter was willing to swear that he correctly identified a man who, as far as could be learned, he had never seen before.

2. A group of 64 students, mostly sophomores with no previous experience with such tests, made 42 or 65.6% correct identifications. Of this group, 11 or 17.1% were unable to make a correct identification. This group would, more than anything else be considered as a "control" group. But even this group is probably superior to the average person actually identifying suspects in a police line-up. This however may be a debatable point.

3. A group of 16 students, of the same general type as group 2. Appearing before this group were only five men; the man whom they had previously seen was not in the line-up. Four were correct in saying that the original man was not present, 10 or 62.5% were wrong and identified the wrong man. This seems to have some significance as the questionnaire necessarily had to be worded so as to suggest that the correct man was in the line-up. Is this group suggestible, or are they "normal" in trying to identify one of the men?

4. A group of 17 students, of the same type as those of group 2, who had not witnessed the original incident but who were treated by the experimenter as though they had. They were asked therefore, to "identify" a man they had never seen, on the unexplained assumption that they had been present at the time. Twelve or 70.5% were correct in saying that they did not remember the incident, but it is interesting to note that five or 29.4% "recalled" an incident they had never witnessed and tried to identify one of the men.

Taking all the groups together we find that out of 117 students, 81 or 69.2% were correct and 28 or 23.9% were wrong in their identification. There are many factors affecting this result however, both positive and negative. This experiment cannot duplicate the conditions that actually exist in a police line-up; the observers were not under any emotional stress at the time; the subjects were all college students; the men in the line-up were not asked to talk or to assume characteristic poses such as is sometimes done; and lastly, the identification did not have the solemnity which can be present only when an actual crime has been committed and a man's life, or liberty, rests in the confidence of the identifier. Nevertheless this experiment shows the unreliability of such testimony under favorable conditions and the writer hesitates to hazard a guess as to how reliable it would be under actual police-station conditions.