Public Perceptions of Wrongful Conviction and Attributes of Eyewitness Evidence

Research Question: Does the perceived reliability of eyewitness testimony affect people’s reactions to wrongful conviction?

There is a large body of literature showing that wrongful convictions, just like the case of Joseph Abbitt (below), exist (for more information on wrongful convictions, see www.innocenceproject.org). But we know less about how the general public feels towards wrongful convictions.

Many academics have attempted to estimate the extent of wrongful convictions, and have produced figures ranging from 0.5% to 5.0% of all convictions (e.g., Huff, Rattner & Sagarin, 1996; Risinger, 2007). But we don’t know whether the general public thinks these rates are acceptable. In our study, we asked whether people thought a wrongful conviction rate of 3.2% was acceptable when innocent people were convicted for the crime of child sexual abuse.

How did we answer our research question?

People in our study read about some hypothetical prison statistics:

I. Suppose that there are currently a thousand men in New Zealand prisons for Child Sexual Abuse.

II. Of those thousand convicted men, thirty-two are completely, factually innocent of the crime for which they were convicted.

Then they read about the type of eyewitness testimony that convicted the innocent men.

III. Each of these men was convicted based on the testimony of an adult who, when testifying in court, pointed to the man and said...

People were then given 1) no information about the victim’s memory for the incident, or told that 2) the adult had always remembered the abuse, 3) the adult had always remembered the incident but only just realised it was abusive, or 4) the adult did not remember the incident until recently using imagery with a therapist.

Finally, people rated how comfortable they were with the wrongful conviction rate.
Recall we were interested in whether people were comfortable with a wrongful conviction rate of 3.2% and whether the type of eyewitness evidence would affect people’s perceptions of the wrongful conviction rate.

What did we find?

Figure 1. Comfort ratings for a wrongful conviction rate of 3.2% for different eyewitness testimony.

Figure 1 shows two important findings about the results of our experiment. First, regardless of the type of eyewitness testimony used to convict innocent men, people were mostly uncomfortable with a wrongful conviction rate of 3.2%. Second, the type of eyewitness testimony did not affect people’s comfort with wrongful conviction. Although the means show people were slightly less comfortable when the eyewitness said they remembered in therapy, or realised only later that an incident was abusive, these differences were not statistically reliable.

Where to next?

In the future we want to answer questions like these: What percentage of wrongful convictions are people comfortable with? Do the individual characteristics of the innocent prisoner (e.g., prior imprisonment, age, ethnicity, etc.) change people’s comfort with wrongful imprisonment?
If you would like more information regarding this project, please contact any of us below.

Maryanne Garry  
Professor  
School of Psychology  
Victoria University of Wellington  
Maryanne.Garry@vuw.ac.nz

Jeffrey Foster  
PhD Candidate  
School of Psychology  
Victoria University of Wellington  
Jeffrey.Foster@vuw.ac.nz

Eryn Newman  
PhD Candidate  
School of Psychology  
Victoria University of Wellington  
Eryn.Newman@vuw.ac.nz

For more information about wrongful conviction see:

