

## Social Science Research Ideas & Questions from Innocence Project Staff

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Research by AP-LS scholars has informed the innocence movement's advocacy since its inception. Theoretical explorations, laboratory experiments, and field studies have shaped our understanding of the psychology behind eyewitness misidentification, false confessions, and more. This year, we conducted a focus group with Innocence Project staff to solicit questions that the academic community has yet to address. We received suggestions covering a variety of topics (listed below). Well-designed studies addressing these questions could have tremendous practical value for those directly impacted by our criminal justice system.

### "Contributing Factors"

#### →Eyewitness Misidentification

- Does/how does prior contact impact accuracy of an ID, quantitative investigation of prior familiarity and "unconscious transference" phenomenon
- Which is better for innocent people – match-to-description or match-to-suspect lineups – is there a consensus
- Does/how does witness *motivation to help* impact memory
- Survey judges, juries, and lawyers to see what they actually know about eyewitness ID

#### →False Confessions

- What specific tactics yield reliable, true confessions, good information
- Systematically compare efficacy of Reid, PEACE, HIG techniques - quasi-experimental field studies
- Survey judges, juries, and lawyers to see what they actually know about false confessions

#### →Misapplication of Forensic Science

- How do lay people understand phrases like "match," "consistent with," "similar to," "could not exclude" in the context of forensic science testimony
- Test whether people can get the right answer in forensic analysis as long as they're given context – could use experts v. lay people – if they *both* get the right answer it would show that it's not expertise, it's extraneous information
- In what situations do the police go out and hire a special expert (e.g., forensic odontologist)
- Explore how "junk science" may be used in an investigation but be barred later in court *but it might have already contaminated the investigation*
- Is/why is forensic science (compared with other areas of science) seen as infallible

#### →Informants

- Prison culture research – do people actually talk about their crimes in prison, how likely is it that this person actually confessed to his cellmate
- Representative survey of police informant policies

## Pleas

- Assess quantity and quality of evidence -if any- that defendants receive before they're offered a plea deal (e.g., quantity: types of evidence -forensic, eyewitness, informant, etc., number of pieces of evidence, and quality: forensic science - is it a lab report or a certificate or a verbal report)
- Investigate false guilty pleas in *misdemeanor* cases, specifically (e.g., when people walk out of court, could ask them *did you plead and why* instead of just assuming)
- How do people evaluate the decision to plead (e.g., does it have to do with case-specific factors like amount and strength of evidence or other personal or external factors like concern about ability to pay bail)
- Explore non-juror courtroom stakeholders – most cases don't make it to trial by jury, so important to understand decision-making by prosecutors and judges and defense attorneys (e.g., what would make them behave differently – more information, change in process, change in motivation...)
- How much evidence and strength of evidence leads prosecutors to charge or drop the charges (e.g., we know single-witness ID cases aren't strong but some people charge them anyway and some don't)
- How and why are defendants pressured -by defense lawyers- to plead, how do people understand "risk" of a trial

## Defense

- What aspects of an attorney-client relationship lead to advocating for yourself or not (e.g., I will *not* plead guilty, you *have to* put on my alibi witness)

## Jurors

- How well do jurors understand scientific and statistical evidence
- Impact of expert testimony
- Jury instruction research that reflects what goes on in the courtroom

## Exoneree & Wrongful Convictions Data

- Special populations: women, veterans, exonerees who spent time in solitary, spent time on parole before exoneration, were convicted by all-white juries
- Exoneree socioeconomic status at time of arrest
- Cost of wrongful convictions – direct & indirect

## Legal Terminology

- Are previous convictions for "crimes of moral turpitude" predictive of dishonest testimony in unrelated cases – is this evidentiary rule based on actual evidence or merely on assumptions
- Explore the "reasonable person standard" - as a member of a community that's subject to routine police harassment, is it actually *reasonable* to run from the police - even when innocent
- Custody – when does someone feel within their right to leave an interrogation

### Criminal Justice System & Miscellaneous

- Systematically assess number of motions filed per case to get a post-conviction DNA test, how frequently do DAs grant post-conviction DNA testing motions (what's the denominator/how many applications do they receive), how long after first request for DNA test do people have to wait before testing is granted
- How do people become suspects in the first place (e.g., what about a consensual sex partner who's a felon)
- Have our reforms worked (how can we measure success, are more defendants are able to access DNA testing now, what barriers still remain)
- What happens to number of cases that go to trial, pleas, court resources if prosecutors use open file systems; transparency versus "floodgates" argument
- What would happen to drug charges, pleas, bail, defendant detention if labs had to produce a report *before* a defendant was charged
- Data on jurisdictions that are doing away with cash bail, or that have agencies that help to pay bail for low income people (presumption of innocence pre-trial)
- Measure trial penalty by jurisdiction
- Is "immediate outcry" an indication of a credible claim – what aspects of someone's psychology or a situation lead people to report/not report crime
- Explore the "code of silence" in different communities and the police department
- Issue of lying to police because of mistrust or something else to hide (e.g., drugs, immigration status) but not because you're guilty of the [murder, rape, etc.]
- Effect of race of victim on decision to get an outside expert, on expert testimony – can't change the race of the victim but might be able to do something to change expert behavior – think about resource allocation
- What factors influence which rape kits get tested (first)
- To what extent are people willing to give up their civil liberties for safety