

Social Media: Does This New Eyewitness Affect Jury Decision Making in Criminal Trials?

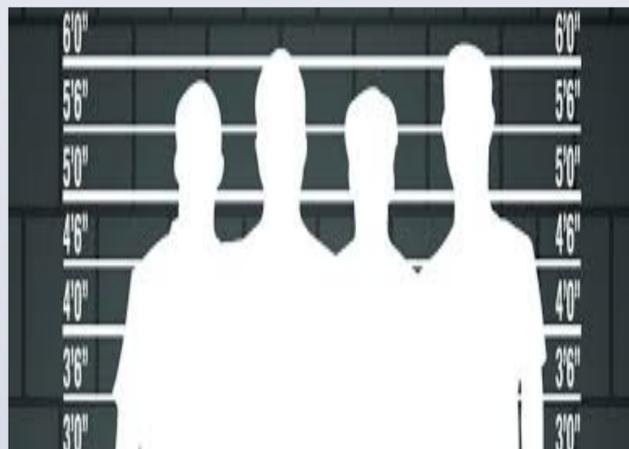
Tiffany K. Davis, MS, Sierra N. Lynch, M.S.Ed., Courtney L. Norris B.S., & Kristine M. Jacquin, Ph.D.

Introduction

- ❖ The use of social media has drastically increased over the past several years. Social media has been utilized to reconnect with others, meet new people, and proposition business advertisements.
- ❖ Oftentimes, social media platforms are also utilized to commit criminal acts.
- ❖ Such criminal acts include cyberstalking, harassment, identity theft, and burglary facilitated by social media (NW3C, 2013).
- ❖ The Police Executive Research Forum (2018) also acknowledged additional computer crime as synthetic identity theft, ransomware, and sextortion.
- ❖ In criminal cases, eyewitness testimony can be deemed favorable when seeking adjudication (Albright, 2017).
- ❖ But, due to inaccuracies of eyewitness testimony, technological advances could be more accurate, such as social media.

Research

- ❖ Eyewitness testimony forms a direct link between the defendant and the crime (Albright, 2017). Having this direct link is valuable for the prosecution and oftentimes leads to convictions. (Albright, 2017).
- ❖ Sigler and Couch (2002) found that when presented with eyewitness testimony, jurors were more likely to deliver a guilty verdict.



- ❖ In recent years, studies have found that eyewitness testimonies have not always been accurate, and though these testimonies have led to convictions, many have also led to acquittals due to misidentification (Albright, 2017).

Research Cont.

- ❖ Misidentifications have been so prominent that procedural reforms have been developed to decrease their prevalence.
- ❖ According to the Innocence Project (2019), misidentification has led to over 71% of wrongful convictions.
- ❖ To reduce these wrongful convictions, prosecutors, defense attorneys, and various national justice organizations have developed tools like the double-blind procedure (Innocence Project, 2019).
- ❖ Another way to improve eyewitness statements is the usage of social media.
- ❖ Large amounts of research have examined the effects of social media access on jury decision making in criminal court cases, but no research has examined the usage of social media in the context of an eyewitness in crimes, and how this specific eyewitness could lead to more accurate convictions, based on relevant testimony.

Future Considerations

- ❖ This type of eyewitness testimony can raise concerns of authentication of social media accounts. One example of this is whether the person logged into the account is actually the account holder.
- ❖ To account for this, one option would be for prosecutors and defense attorneys to subpoena the specific social media outlet to obtain all activity, including time of log in, whether the forgotten password option had been utilized, how often the forgotten password option was utilized, and analysis of previous activities.

REFERENCES

- Albright, T.D. (2017). Why eyewitnesses fail. *Psychological and Cognitive Sciences, Neuroscience*, 114, 7758-7764. doi: 10.1073/pnas.1706891114
- Innocence Project. (2019). Eyewitness identification reform. Retrieved from: <https://www.innocenceproject.org/eyewitness-identification-reform/>
- National White Collar Crime Center. (2013). Criminal use of social media. Retrieved from <http://www.nw3c.org/docs/research/criminal-use-of-social-media.pdf?sfvrsn=6>
- Sigler, J. N., & Couch, J. V. (2002). Eyewitness testimony and the jury verdict. Retrieved from <https://fgul.idm.oclc.org/docview/197933011?accountid=10868>.
- The Police Executive Research Forum. (2018). The changing nature of crime and criminal investigations. Retrieved from: <https://www.policeforum.org/assets/ChangingNatureofCrime.pdf>.