

Psychological pitfalls in the search for evidence

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•IT must be prefaced that very often, in spite of a laborious investigation, full truth is unattainable however, a police officer must ensure that every possible source of detection be utilised in his pursuit for evidence and must be fully aware of the basic psychological aspects that play a decisive role in his quest. If he disregards them he will be led astray and prevented from reaching a clear understanding of the situation he is investigating and from grasping the facts of the case or, at least, coming to a very close approximation of the factors involved.

The aim of this study is to draw attention to the mental mechanisms that are operative in the gathering of evidence; to the pitfalls that may be met with and how to surmount them; and to the steps to be followed to avoid possible errors in interpreting the facts.

First of all it is essential that the investigator be of a conscientious type of personality; methodical in his procedures at all times and in all cases even the most routine ones to avoid confused thinking and to eliminate mistakes and omissions from carelessness; persistent in clearing uncertainties arising from equivocal settings; and alert in guarding himself against possible misjudgement of his findings due to personal bias.

As regards procedure, the investigator must not limit himself to one source of information however reliable this may seem to be but must seek out as many sources as possible to be in a position to (a) verify the correctness of his findings; or (b) fill gaps in the story concerning points in time and place especially where the possibility of an alibi may arise; or (c) add supporting statements from different and independent sources; the fact that, by using different ways, he consis-

tently obtains the same result is a very reliable indication that he is substantially close to the truth; or (d) eliminate irrelevant and misleading information.

In his search the investigator may come across two or more contradictory witnesses. He must, however, remember that the contradiction may not be real at all but only seemingly so. Indeed all the witnesses may be truthful but they are stating the truth as each of them saw or knew it depending on how capable they were in fixing their active attention on all the aspects of the situation.

We must also consider the likelihood of an unconscious bias on the part of the observer which determines the way he perceives events and forms judgements. This unconscious mentation may give rise to a non-volitional untruth by the observer who, though unconsciously distorting the presentation of objective reality, has no deliberate intention to deceive the investigator (1).

The police officer must not content himself with a solution reached through one particular line of investigation but must remember that there may be other equally plausible but different ways leading to the same answer or solution. For instance, what would you suggest doing to ease traffic congestion in a narrow street? The easiest solution would be to turn it into a one-way traffic street; but you can also lay down a new street or road, or construct a tunnel under it or build a fly-over above it.

The investigator must overcome the temptation to conceive a theory on suspicions only or on one piece of information in which he comes to belief uncritically. This is a dangerous tendency as it makes us ignore alternative possibilities to our theory and thus put us off course from our objective.



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In interviewing witnesses, who at the time of the incident under investigation were emotionally disturbed by fear or grief, one must keep in mind that such witnesses may not give a reliable account of events or description of the suspect because of their agitated state which prevents them from focussing their active attention on the details of the occurrence or personal characteristics, clothing, etc of the suspect.

When sifting information from eye-witnesses we must not concentrate exclusively on some isolated item of their deposition but must view the item in reference to the entire context of their statement because fragments of information isolated from the whole context may present only a partial picture of the situation under investigation thus leading to misplacement of emphasis or the overlooking of crucial clues or the outright distortion of the truth.

While experience is a great asset in any human activity, it must be remembered that experience may be fallacious and deceiving in certain instances. A person, for example, may be known to the police as a habitual delinquent with a record of

several convictions but he may not be the perpetrator of the crime you are suspecting him of on a particular occasion. A known drug addict, for instance, may be seen walking unsteadily and behaving strangely and because of our past experience of him we suspect him of being under the influence of drugs. It may be, however, that on this particular occasion his untoward behaviour is not the result of drug intoxication but of alcohol abuse or of some physical illness affecting his sense of balance such as vertigo from labyrinthine disease, raised blood pressure, epilepsy, stomach upset with nausea, etc.

The possibility of mistaken identity must always be kept in mind. This is likely to occur because (a) the human eyes and brain are not precise recorders of events and persons seen and, therefore, important details may be missed by the observer; (b) of a close resemblance of facial features, body-size and shape between two or more individuals; (c) of inaccurate observation on the part of a witness due to insufficient illumination at night or to rapidity of movements of the offender; and (d) of some form of disguise adopted by the offender to conceal his identity. He may, for instance, wear a false beard or a wig; replace his usual spectacles by contact lenses; or change the intonation of his voice when talking. A short and thin man may wear shoes with high heels and put on a padded jacket to make himself look hefty and tall.

The fact that more than one witness claim to have recognised the suspect is no guarantee against the possibility of mistaken identity. A few years ago a 53-year old man stood trial in the USA for a series of robberies. He was identified by seven eyewitnesses as the "Gentleman bandit", so called because of his polite manners and well-dressed appearance, involved in the crime. The man so identified, however, insisted that he was the victim of mistaken identity but the trial was suspended only when another man, fourteen years younger, had confessed to the robberies and given details to the police that only he could have

known (2). The plea of mistaken identity has been raised in our law courts in 1937 (3) and in 1965

The reputable investigator will be always on the alert against the pitfalls considered in this study and for this reason he will be constantly asking himself: "How reliable is the evidence I have collected? How far can I trust what an eyewitness is convinced that he has seen?". By way of an answer he will repeatedly check the validity of the data he has gathered for if these data are faulty his conclusions will be valueless; he will also be prepared to modify or discard conclusions already reached when he is faced with fresh facts that do not tally

with his assumptions; and he will have the courage and perseverance to start anew by seeking other sources of information and exploring hitherto untapped channels of investigation.

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