

Title

Week Two Essay

Steps to Prevent Mistaken Identification from Becoming a Wrongful Conviction**Introduction**

Mistaken identification is one of the leading causes of wrongful convictions, and can easily occur if certain steps are not taken to ensure accuracy in identifying the perpetrator. To prevent mistaken identifications from becoming wrongful convictions, it is necessary to understand how memory works and assess an individual's competency to stand trial.

Refreshing memories is one step that can be taken to prevent mistaken identification from becoming a wrongful conviction in any legal proceedings. According to Howe and Knott (2015), "refreshing memories involves providing information about past events in order for individuals' recollection of those events or circumstances surrounding them may be improved" (p. 642). Through this process, eyewitnesses are able to recall more accurate details about the event they witnessed because they are presented with additional relevant information related to their experience. Therefore, by refreshing memories prior to any legal proceedings, such as during interrogations or testimonies in court, witnesses will have greater confidence when making an identification as well as providing more reliable accounts of what happened.

Body Paragraph 1**Body Paragraph 2**

Another step that can be taken is assessing an individual's competency before they stand trial. In the video "Competency to Stand Trial" (2006), it is stated that competency to stand trial is "the legal standard that determines whether or not a person has the capacity to understand the charges against them, to assist in their defense, and make rational decisions about how they want to proceed" (cetv, 2006). Therefore, it is important that an individual's competency is assessed before any legal proceedings occur in order to ensure the reliability and accuracy of information provided by individuals with cognitive impairments.

The last step that can be taken is ensuring accurate jury instructions while conducting trials. According to Constanzo and Krauss (2018), jury instructions should provide clear guidance on how jurors are expected to interpret evidence presented during court proceedings as well as what standards are required for a conviction to occur. Furthermore, it is important that jury instructions are “clear, simple, and understandable” (Constanzo & Krauss, 2018, p. 218). Through this process, jurors can draw more accurate conclusions based on the evidence presented during the trial.

In conclusion, there are several steps that can be taken to prevent mistaken identification from becoming a wrongful conviction. Refreshing memories prior to legal proceedings and assessing an individual’s competency before they stand trial as well as ensuring accurate jury instructions while conducting trials, give greater confidence in the reliability of the information provided and accuracy of resulting convictions to those involved in the judicial system.

References

Costanzo, Mark, and Daniel Krauss. *Forensic and Legal Psychology: Psychological Science Applied to Law*. Third edition. New York, NY: Worth Publishers, 2017.

Howe, Mark L., and Lauren M. Knott. "The Fallibility of Memory in Judicial Processes: Lessons from the Past and Their Modern Consequences." *Memory (Hove, England)* 23, no. 5 (July 4, 2015): 633–56. <https://doi.org/10.1080/09658211.2015.1010709>.

