

COGNITION IN ACTION

COGNITION IN FORENSIC SETTINGS: EWT



1

EYEWITNESS ATTENTION

■ Noticing change: Who dun it video?

- <https://www.youtube.com/watch?v=ubNF9QNEQLA>

2

EYEWITNESS INFLUENCES

■ Other factors that can affect accuracy of EWT:

■ ADVOKATE:

- A: Amount of time for which the event is observed
- D: Distance of the event from the witness
- V: Visibility – the clearer the better
- O: Obstructions between witness and event
- K: Known to the witness – familiar person leads to better description
- A: Any reason to remember the event – i.e., something unusual
- T: Time laps between event and witness recall – longer time likely to lead to worse memory
- E: Errors made – more inaccurate = less reliable

3

COGNITION IN FORENSIC SETTINGS

■ Facts vs. assumptions:

- A fact can be defined as:
 - "a piece of information about circumstances that exist or events that have occurred" "something known to be true: something that can be shown to be true, to exist, or to have happened"
- An assumption can be defined as:
 - "something taken for granted: something that is believed to be true without proof"

4

COGNITION IN FORENSIC SETTINGS

■ Paragraph:

Jones, is a psychiatrist within the health board. He was scheduled for a meeting in Davenport's office to discuss a private matter at 10:00am. On the way to that office Jones tripped outside over a loose paving stone, and as a result, injured his knee badly. By the time Davenport was notified of the incident, Jones was on the way to A&E for x-rays. Davenport rang the hospital to enquire, but no one there seemed to know anything about Jones. It is possible that Davenport called the wrong hospital.

5

COGNITION IN FORENSIC SETTINGS

- Based on the information in the table on the following worksheet, note which statements are fact and which are assumptions based on the information in the paragraph.
- Each statement can only be one or the other.

6

COGNITION IN FORENSIC SETTINGS

Statement	Fact	Assumption
Jones was a psychiatrist		
Jones is male		
Jones was supposed to meet with Davenport		
Jones was scheduled for a 10:00am meeting		
The incident occurred on the health boards premises		
Jones was taken to hospital for x-rays		
Nobody at the hospital knew anything about Jones		
Davenport called the wrong hospital		

7

COGNITION IN FORENSIC SETTINGS

- Was that an easy or difficult task?
- Let's have a look at the answers to each statement?

Statement	Fact	Assumption
Jones was a psychiatrist		X
Jones is male		X
Jones was supposed to meet with Davenport		X
Jones was scheduled for a 10:00am meeting		X
The incident occurred on the health boards premises		X
Jones was taken to hospital for x-rays		X
Nobody at the hospital knew anything about Jones		X
Davenport called the wrong hospital		X

8

COGNITION IN FORENSIC SETTINGS

- When we started the task did you assume there would be a mix of facts and assumptions?
- This is an assumption many people make with multiple choice tests.
- In this instance, having that assumption may have influenced your decision making due to **confirmation bias**

9

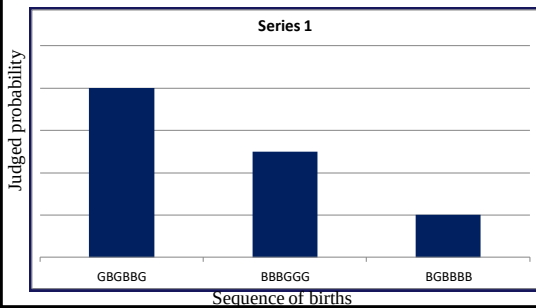
INFLUENCES ON DECISION MAKING

- In families of six children, which is the most likely sequence of boys and girls?

1. G B G B B G
2. B G B B B B
3. B B B G G G

10

JUDGMENT OF LIKELIHOOD KAHNEMAN AND TVERSKY (1972)



11

INFLUENCES ON DECISION MAKING

- The probability of any new-born being a boy is 50% (or .5)
 - Probabilities are independent of each other
 - Therefore, all equally likely
- First one seems more random as it is more distributed
 - G B G B B G
 - A judgment based on similarity to concept of randomness

12

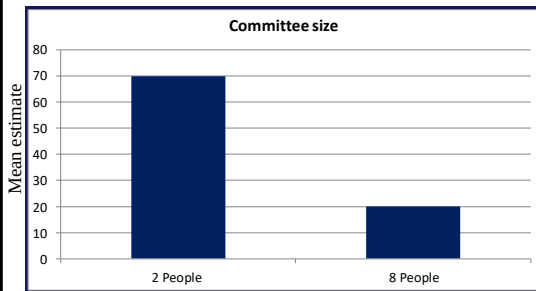
INFLUENCES ON DECISION MAKING

Given a group of 10 people:

- How many different committees of 2 people can you create?
 - E.g. A and B, B and C, C and A, D and ...
- How many different committees of 8 people?
 - E.g. A,B,C,D,E,F,G,H

13

INFLUENCES ON DECISION MAKING



14

IT CAN BE WORKED OUT MATHEMATICALLY...

The formula for a combination of choosing r unique ways from n possibilities is given by:

$${}_nC_r = \frac{n!}{r!(n-r)!}$$

Therefore... and

$${}_{10}C_2 = \frac{10!}{2!(10-2)!} \quad \text{and} \quad {}_{10}C_8 = \frac{10!}{8!(10-8)!}$$

They both work out to 45

15

INFLUENCES ON DECISION MAKING

- Availability Heuristic
 - Judgements are based on the ease with which instances can be recalled
- Frequency and fluency affects availability

16

PSYCHOLOGISTS AS EXPERT WITNESSES



**BPS
GUIDELINES**



PROCEDURES



**CAREER
PATHWAYS**

17

AN EXPERT WITNESS IS....

- Someone able to provide courts, tribunals or oral hearings with scientific or technical information and opinion, which is likely to be outside the experience and knowledge of a judge, magistrate, member, or jury.
- By virtue of their knowledge, training or experience, they can comment on aspects within their field of expertise
 - Their professional opinions must be objective and unbiased.

18

LINKS TO:

BRITISH PSYCHOLOGICAL SOCIETY (BPS):

PSYCHOLOGISTS AS EXPERT WITNESSES:

- [Psychologists As Expert Witnesses - Guidelines and Procedures for England, Wales, and Northern Ireland](#)
- [Guidance on the Use of Psychologists as Expert Witnesses in the Family Courts in England and Wales](#)
- [Guidance for Expert Witnesses undertaking Remote Psychological Assessments](#)

19

BPS EXPERT WITNESS ADVISORY GROUP

- Jan 2018: Expert Witness Advisory Group launched member's survey of psychologists who work, or wished to work, as expert witnesses in civil and criminal courts.
- Aim:
 - Gain better understanding of experiences of psychologists working as expert witnesses, particularly in light of changes to Civil Procedure Rules (CPR) and Practice Directions (PD)
 - Identify areas EWAG and society can support psychologists as expert witnesses, or those seeking to work in area.

20

BPS EXPERT WITNESS ADVISORY GROUP

- Key Findings:
 - Less than 2/3 reported receiving specific training.
 - New civil and family procedure rules resulted in changes to instruction, including capped fees and revised timescales.
 - ½ admitted there had been occasions where they were asked to change opinion/conclusions by person who had instructed them.
 - ½ indicated they never/seldom receive feedback on work
- See: [Psychologists As Expert Witnesses: EWAG Survey Results](#)

21

PSYCHOLOGISTS AS EXPERT WITNESSES

Psychologists can be appointed as an expert witness through a variety of routes:

Forensic	Clinical	Educational
----------	----------	-------------

↓

However, unlike the titles above, Psychology Expert Witness is not a legally protected title

It is not formally recognised as a qualification

22

PSYCHOLOGISTS AS EXPERT WITNESSES



- Instead, suitable criteria for validating competence of Psychology Expert Witness may include:
 - Relevant graduate/post-graduate qualifications specific to client/case in question
 - Several years relevant professional experience after initial qualification
 - Articles published in recognised journals or publications relevant to issue in hand
 - Recent professional experience in specialist area required for the case

23

PSYCHOLOGISTS AS EXPERT WITNESSES

- As well as having the relevant qualifications and experience, they should also be registered with a relevant professional body – e.g.,
 - Health and Care Professional Council (HCPC)
 - British Psychological Society (BPS)
- Click the links below to access further information on BPS careers
 - [BPS Careers](#)
 - [BPS Careers Guide](#)
 - [BPS Career YouTube channel](#)

24

PSYCHOLOGISTS AS EXPERT WITNESSES

- Click the links below to access further information on being an expert witness from the BPS
 - [BPS Expert Witness Training](#)
 - [BPS Journal Links](#)
 - [BPS Day in the Life of an Expert Witness](#)

25

INTERACTIVE TASK

Follow the task instructions to complete the eyewitness and jury scenario activity

26
