



# LiA PROJECT REPORT

**Bridging the Gap: Integrating Psychological Research for the Identification and Rectification of Wrongful Convictions**

**PREPARED BY**

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## Overview

Eyewitness identification and testimony is a critical component of the criminal justice system, guiding police investigations and jurors' decisions. However, eyewitness misidentification contributes to an overwhelming majority of wrongful convictions that have been overturned by post-conviction DNA testing due to various psychological factors. Thus, my Leadership-in-Action (LiA) project, titled "Bridging the Gap: Integrating Psychological Research for the Identification and Rectification of Wrongful Convictions", aimed to identify and educate stakeholder about variables in the eyewitness procedure that may lead to wrongful convictions through my internship experience with the New England Innocence Project in Cambridge, Massachusetts. By incorporating insights from psychology, the project hopes to improve the understanding and assessment of evidence, witness testimonies, and expert statements in criminal cases, ultimately helping to prevent wrongful convictions and ensuring justice for defendants in the New England region, setting precedents for cases in the American criminal justice system.

In this LiA project, the four main focuses will be on researching an active case in which eyewitness identification and testimonies were pivotal in the defendant's conviction, crafting arguments on the unreliability of eyewitness identification, forging valuable partnerships with researchers, and providing internal education through organising a resource library. These efforts aim to enrich the knowledge base of the involved organisation while also seeking justice for the clients of New England Innocence Project, who are often members of disenfranchised communities.

As a Laidlaw Scholar spearheading this project, I applied a range of leadership attributes to bridge the gap between psychological research and legal practices. My role demanded self-awareness and an honest assessment of my abilities, enabling me to work effectively within my limitations. Effective communication and critical thinking skills were essential in conveying our mission, making clear decisions, and fostering collaboration across boundaries. I demonstrated resilience, determination, and effective project management. As a leader without formal authority, I fostered innovation and creativity, leveraging data analysis, emotional intelligence, and digital connectivity to drive our mission of pursuing justice and preventing wrongful convictions.

In the following sections, I will first introduce the legal background of my initiatives and then delve into each objective, progress and outcomes, and how they may impact the lives of those affected by wrongful convictions and the broader criminal justice community.

## **Legal Background**

Central to this LiA project and my work with the NEIP is the legal case on Raymond Gaines vs the Commonwealth of the United States. Raymond Gaines' conviction, which occurred more than forty-five years ago, has been marred by significant delays and revelations that cast doubt on the fairness of his trial. He was found guilty of first-degree murder and armed robbery, resulting in a life sentence without the possibility of parole. However, newly discovered evidence has shed light on critical flaws in the procedure used to secure the eyewitness identification of Gaines as a participant in the charged crimes. This procedure, it was revealed, was highly suggestive and likely to lead to mistaken identification. Moreover, there are

suspicious that it may have been intentionally manipulated by law enforcement, further compromising the reliability of the identification.

What elevates the Raymond Gaines case to national prominence is its ongoing legal saga. Gaines was granted a motion for a new trial and subsequently released from incarceration. However, the Commonwealth of the United States and prosecuting authorities are now seeking to reverse this decision, intensifying the legal battle surrounding this case. My and NEIP's efforts are focused on convincing both the Commonwealth and the Supreme Court that the evaluation of past procedures must incorporate current psychological literature. This critical step is necessary to ensure that the proceedings are just and equitable, aligning with our mission to bring justice to the convicted.

My LiA project also highlights another challenge. Legal professionals, who often lack scientific backgrounds and tools, are tasked with deciphering intricate scientific evidence crucial to numerous cases, including those related to eyewitness identification and false confessions. This gap between scientific knowledge and legal expertise presents a distinctive challenge in the pursuit of justice. Thus, this LiA project recognizes the importance of bridging this divide between science and the legal system. It acknowledges that lawyers, while proficient in the intricacies of the law, may grapple with scientific concepts and research. Furthermore, it emphasises the necessity for courts to access this scientific knowledge when evaluating cases, particularly those involving eyewitness identification.

# Developing a Resource Library

## Objective

The primary objective of the Resource Library initiative is to create an internal knowledge hub that empowers the New England Innocence Project (NEIP) team with accessible resources and information necessary to excel in advocating for justice. This resource repository is specifically tailored to address cases involving wrongful convictions, with a focus on factors such as eyewitness misidentification and false confessions. The library aims to bridge the gap between legal and scientific perspectives, equipping NEIP legal professionals with the tools to build stronger legal arguments based on sound scientific principles.

A key facet of the Resource Library's objective is to ensure accessibility. Legal professionals, in general, may not possess a background in psychology or related scientific fields. Thus, it is crucial for the library to present complex scientific evidence in an organised and comprehensible fashion to litigators with a variety of experiences on cases accepted by NEIP.

## Project Description

### **Resource Library Structure**

The Resource Library's structure, designed for optimal organisation and accessibility, employs a tree-like hierarchy with files within the Google Drive platform. This structure is created to efficiently store and share resources, focusing on the New England Innocence Project's (NEIP)

mission, particularly regarding wrongful convictions related to eyewitness misidentification and false confessions. Below is an overview of this hierarchical structure with bolded text indicating topics that was most relevant to my role at the organisation:

- **Resource Library:** This top-level folder serves as the central hub for the entire library. It houses all the resources and subfolders related to NEIP's initiatives.
  - False Confessions: This subfolder is dedicated to resources, materials, and research specifically addressing issues related to false confessions, a critical aspect of wrongful convictions.
  - **Eyewitness Identification:** This subfolder is focused on the complex topic of eyewitness identification, a key factor in wrongful convictions. It further divides into several subcategories to streamline resource retrieval:
    - Legal Literature: This section contains legal texts, articles, and documents related to eyewitness identification, providing legal professionals with essential references.
    - Legal Stories: Legal cases and narratives related to eyewitness identification are stored here. These real-world stories offer valuable insights and context for NEIP's work.
    - **Psychological Literature:** The core of the library's scientific resources is further divided into subcategories to facilitate precision in research:
      - **Directory:** The directory is a centralised resource hub containing vital information and links to various articles within the Psychological Literature section.
      - **Estimator Variables:** Subtopics related to estimator variables within eyewitness identification research are organised here.

- **System Variables:** This section focuses on system variables and their influence on eyewitness identification, offering a detailed exploration.

## Directory Structure

The Directory within the psychology literature of the eyewitness identification legal topic serves as the central hub to organise the repository of academic articles. Designed as a Google Sheet for its clarity and accessibility for sharing and linking files, this directory provides a snapshot of resources essential to NEIP's mission of advocating for justice.

The following columns within this directory ensure efficient navigation and comprehension:

- **Variable:** Organised by either "Estimator" or "System" variable according to the categorization system spearheaded by Gary Wells (1978).
- **Topic:** A range of critical areas within the respective variables, corresponding to a sub-folder within a variable's folder.
- **Sub-topic:** Further sub-categorization for precision.
- **Article Name:** Direct links to the actual resource materials.
- **Year:** Providing a chronological perspective.
- **Methodology:** Insights into the research methodologies employed, such as empirical, literature review or a survey of experts.
- **Summary:** Concise snapshots of key findings and significance.
- **Data:** References to complete source materials for comprehensive understanding.

The use of Google Drive as the platform for this resource library ensures easy sharing and collaboration within the NEIP organisation. Each level of this hierarchical structure allows NEIP

legal professionals to navigate and access resources seamlessly, whether they seek legal documents, real-life cases, or scientific research related to eyewitness misidentification and false confessions. This organised approach empowers the NEIP team to excel in their mission of advocating for justice and addressing wrongful convictions effectively.

## Progress Highlights

The Resource Library project commenced with an initial week dedicated to studying Gary Wells' work on system and estimator variables, which provided valuable insights for organising the Google Drive structure. In the following week, I focused on refining the Resource Library Directory, a practical tool for resource organisation, and presented it to Cynthia and Mike, both litigators who recognized the need for an organisational library and approved of my preliminary work.

From the third week onwards, the project transitioned to the critical phase of filling the Resource Library. This involved curating and adding relevant literature to specific Google Drive folders. Concurrently, I meticulously completed the directory, assigning appropriate tags for efficient categorization and retrieval, and integrated hyperlinks to facilitate direct access to source materials.

As this project evolves, my parallel commitment to the Raymond Gaines case continues. The Resource Library's development runs in tandem with my efforts to employ current psychological literature in evaluating past procedures, a critical aspect in advocating for justice. This multifaceted endeavour reinforces NEIP's mission to address wrongful convictions effectively while bridging the gap between legal and scientific perspectives.

## Challenges and Next Steps

One of the primary challenges encountered during the Resource Library project was the meticulous process of identifying peer-reviewed, credible sources within the realm of psychological research. This task demanded not only the identification of pertinent research but also ensuring that the selected sources accurately represented the consensus within the field on the topic at hand. The time-consuming effort invested in tagging, reading, summarising, and assigning each article was a significant hurdle.

To overcome these challenges, a systematic approach was adopted. The process of source selection involved rigorous criteria within the PsychInfo search engine to ensure credibility, relevance, and representativeness within the field. This approach helped in navigating the vast landscape of psychological literature effectively.

Looking ahead, the project is poised for seamless continuation. NEIP, recognizing the value of this resource, has enlisted the assistance of an intern who will contribute specifically to the aspect of false confessions. With the Google Drive framework already established, the ongoing progress of the project is set to be sustainable and straightforward. This collaborative effort ensures that the Resource Library will continue to evolve, serving as a valuable repository of knowledge for NEIP's ongoing endeavours to prevent wrongful convictions and advance the cause of justice.

# Building Contacts with Researchers

## Objective:

The primary objective is to establish a comprehensive and dynamic network of psychologists and experts in various psychological domains relating to wrongful convictions. This network will serve as a valuable resource for the New England Innocence Project (NEIP) to strengthen its advocacy for justice, particularly in cases involving factors such as eyewitness misidentification and false confessions.

## Project Description

The core component of this initiative is the creation of a Google Sheet that functions as a centralised database. This database will contain essential information about psychologists, including their names, affiliated universities or institutions, specialised research areas, and email addresses. The intention is to build a diverse and extensive network of professionals who can provide valuable insights, expertise, and collaboration opportunities for NEIP's legal professionals.

## Challenges and Next Steps

- **Data Accuracy:** Maintaining the accuracy and currency of contact information is paramount. Psychologists may change affiliations or contact details, necessitating ongoing verification and updates. To address the challenge of data accuracy, a plan for

routine database maintenance will be implemented. Team members will periodically verify and update contact information.

- **Expanding the Network:** Expanding the network to encompass a wide range of experts in various psychological subdomains had been a time-intensive process. Thus proactively reaching out to psychologists and experts in relevant fields, diversifying the network's composition is necessary.
- **Integrating into NEIP's workflow:** Ensuring that the database becomes an integral part of the organisation's operations. Contacts will be actively utilised for consultations, collaboration on cases, and knowledge exchange.

## Preparing for an Amicus Brief

### Objective

The primary objective of the initiative, centred on preparing an amicus brief, was to play a pivotal role in the concerted efforts to overturn Raymond Gaines' conviction. This initiative demanded a meticulously orchestrated and comprehensive approach, one that would furnish persuasive legal arguments supported by an array of scientific insights. The overarching goal was to provide unwavering support for the argument that Gaines' conviction should be reconsidered in light of the recognition that highly suggestive procedures and groundbreaking scientific advancements in eyewitness identification were not adequately considered during the original trial. The initiative aimed to equip the legal team with a robust foundation of

information and cutting-edge research, thus arming them with the compelling tools needed to effectively advocate for a reevaluation of the case.

### **Key Elements of the Objective**

- **Challenging Conviction:** The core mission was to challenge the validity of Raymond Gaines' conviction by highlighting the potential errors and shortcomings in the original trial. This challenge rested on the premise that highly suggestive procedures, which were not adequately understood at the time of the trial, may have significantly affected the outcome.
- **Scientific Support:** An essential component was to provide rigorous scientific support, drawing on extensive research in the field of eyewitness identification. This support aimed to demonstrate that contemporary insights into eyewitness behaviour and the suggestibility of identification procedures warranted a fresh examination of Gaines' case.
- **Legal Persuasion:** The initiative sought to arm the legal team with a compelling set of legal arguments that could be skillfully crafted into an amicus brief. This brief was intended to persuade the court of the importance of revisiting the conviction, considering the significant developments in the understanding of eyewitness identification since the trial.

## Progress

The initiative was carried out in two distinct phases, each contributing significantly to the overarching objective of supporting Raymond Gaines' conviction reconsideration:

## **Phase 1: Legal Document Analysis and Annotation**

During this initial phase, which commenced on July 9, 2023, my efforts were primarily dedicated to conducting a comprehensive analysis of the extensive legal documents and transcripts related to the evidentiary hearings in Raymond Gaines' case. This intricate task involved delving into the historical legal proceedings, which dated back several decades, with the goal of identifying specific areas within these documents that had the potential to reveal critical aspects of an erroneous eyewitness identification.

I carefully annotated these identified areas within the legal documents. These annotations were crucial as they served as markers for information that could be presented as newly discovered evidence. This phase demanded precision and a keen understanding of legal proceedings, laying the groundwork for building a compelling case for Gaines' conviction reconsideration.

## **Phase 2: Data Compilation and Organization**

Following the completion of the legal document analysis and annotation phase, we transitioned into the data compilation and organisation stage. The annotated information gathered from the legal documents was systematically compiled into an Excel spreadsheet. This spreadsheet served as a central repository of critical details and insights related to Gaines' case.

The Excel spreadsheet was meticulously structured to include quoted sections from the legal documents, precise references to supporting literature, and categorization of the type of literature involved (such as surveys of experts, meta-analyses, or literature already cited by the Supreme Judicial Court). This structured compilation was essential to create a comprehensive and well-documented resource that could be used to construct legal arguments founded on robust scientific principles.

Throughout both phases of the initiative, I maintained a rigorous schedule of continuous meetings with my supervisor. These meetings were instrumental in ensuring that all relevant information was accurately captured, and any potential gaps in our analysis or research were promptly identified and addressed.

The combined efforts of these two phases will lay a solid foundation for the preparation of an amicus brief that would provide substantial support for the case to reconsider Raymond Gaines' conviction.

## Challenges

One of the foremost challenges encountered during this initiative was the inherent complexity of Raymond Gaines' case. The intricacies of the case were multifaceted, featuring not only multiple eyewitnesses but also various other contributing factors, including instances of police misconduct. These complexities rendered the case particularly convoluted, making it challenging to discern the crucial details that could support the argument for Gaines' conviction reconsideration.

Another substantial challenge arose from the historical context of the case. Raymond Gaines' legal proceedings had transpired in the 1980s, resulting in documentation that spanned several decades. Accessing and interpreting these documents posed considerable difficulties. The primary obstacle was the format of these documents, many of which had been scanned, making the text less accessible and challenging to read. Furthermore, the sheer volume of these documents was substantial, often exceeding 400 pages. Navigating through this extensive documentation was a daunting task in itself.

Moreover, given my relative unfamiliarity with legal proceedings, legal terminology, and procedures, deciphering the content of these documents was no small feat. To mitigate this challenge, I took the proactive step of maintaining a legal dictionary to assist me in comprehending the intricate legal language and concepts presented in the documentation.

## Broader Implications

The Raymond Gaines case not only represents a critical milestone in the pursuit of justice but also holds profound implications for the broader legal landscape. At its core, this case has become emblematic of the ongoing shift in how new psychological evidence is perceived in the reevaluation of old cases, setting a precedent that extends far beyond Gaines' own circumstances.

One of the most striking aspects of the Gaines case is its power to challenge the boundaries of jurisprudence. The case underscores the growing recognition that the evolution of psychological research, particularly in areas related to eyewitness identification, necessitates a reevaluation of past convictions. Gaines' conviction, rooted in an era when the scientific understanding of eyewitness identification was in its infancy, serves as a poignant example of how new knowledge can cast doubt on previously unassailable legal decisions.

As NEIP delves into this initiative to support the argument for Gaines' conviction reconsideration, we are not merely advocating for one individual's exoneration. Instead, we are pioneering a transformation in how the legal system engages with psychological evidence, particularly when it has the potential to illuminate the flaws in past convictions. This case demonstrates that the impact of evolving scientific understanding should not be constrained by

historical convictions. Instead, it underscores the responsibility of the legal community to engage with new knowledge and its implications for the pursuit of justice.

The legacy of the Gaines case will extend far beyond its immediate resolution. It serves as a beacon of progress, heralding a new era in which psychological insights have the potential to rectify miscarriages of justice from the past. By advocating for the reconsideration of Gaines' conviction based on newly discovered psychological evidence, we set a precedent that compels the legal system to confront its own history, embrace advancements in scientific understanding, and, above all, prioritise justice and truth. In this context, the Gaines case is not just about one man's innocence; it symbolises a transformative moment in the ongoing pursuit of fairness, accuracy, and integrity within the legal realm.