

WHAT WE KNOW AND DON'T KNOW ABOUT VISUAL EVIDENCE

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What we know about whether visual evidence affects outcomes:

• **Photographic** evidence can:

- Criminal cases: seeing (gruesome) photos of victim makes mock jurors more likely to convict (e.g., Douglas et al., 1997; Bright & Goodman-Delahunty, 2006).
- Accident cases: seeing photos of accident victim increases damage awards (Oliver & Griffitt, 1976; Whalen & Blanchard, 1982).

• **But no evidence yet that videos do:**

- Neither crime scene walk through (Kassin & Garfield, 1991) nor video re-enactment of accident (Fishfader et al., 1996) had main effect on outcomes.

• **Animations** have yielded mixed results:

- Some studies found effects on liability or damage awards (Dunn et al., 2006, Study 1; Houston et al., 1995; Kassin & Dunn, 1997).
- But not others (Bennett et al., 1999; Dahir, 2005; Dunn et al., 2006, Study 2).

Why don't we know more?

- **Too few** studies
- **Methodological** issues
- Possible **moderators**:
 - Animations seem to affect verdicts **only** when scenario is **unfamiliar** (e.g., Dunn et al., 2006).
 - Effects may be likelier when **only one side** uses visual evidence (e.g., Park & Feigenson, 2009 (PowerPoint)).

What we know about *how* visual evidence affects legal judgment:

- Visual evidence can **improve** judgment:
 - better **recall** (e.g., Binder, 2006, Study 2 (PowerPoint); Dahir, 2005 (animation))
 - enhanced **visualization** (Dunn et al., 2006, Study 1 (animation))
 - better **understanding** of expert scientific testimony (Goodman-Delahunty & Hewson, 2010 (multimedia))

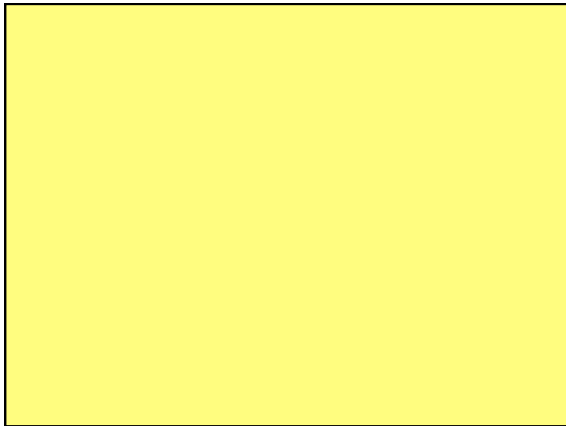
• **But** visuals can also **impair** judgment:

- photos can provoke **emotional** responses that affect verdicts (e.g., Bright & Goodman-Delahunty, 2006).
- visual evidence can trigger visual **biases**, e.g., **camera perspective** bias (Lassiter et al., 2001).
- high-tech visuals can prompt **peripheral processing** (Dahir, 2005 (animation); Park & Feigenson, 2009 (PowerPoint)).

• And people **may not know** whether (much less how) visual evidence has affected their thinking (Dunn et al., 2006).

Naïve realism

- Naïve realists think that descriptive pictures let them see things **as they really are**.
- They tend to **ignore** how what they take from the picture is **framed** by the picture's construction and their own preconceptions.
- Naïve realists may make **biased inferences** from visual evidence.
- They believe that their views are **objectively correct**, so they **disregard** contrary views.



Some consequences of naïve realism:

- The **illusion** of **direct access** to **reality** may lead naïve realists to **overvalue** (audio)visual evidence.
- Naïve realists **process** pictures **more easily** and thus may believe more confidently that what (they think) pictures tell them is **true**.
- Believing that pictures show them reality, naïve realists think that **anyone else should know** what they (think they) know, **biasing** their judgments of others' behavior.

