Cross-Racial Identification: A Case Study

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This activity is a case study used in a seminar on Race and the Law, but could be used in any class in Social Psychology or Psychology and the Law. In preparation for class, students read two articles (Meissner & Brigham, 2001; Wilson, Hugenberg, and Bernstein, 2013) about the “same race effect.” During class, students discussed a structured case study in small groups. The case is based on a real-life trial in which an African-American man was falsely convicted of rape (described in detail in Picking Cotton; Thomason-Cannino, J., Cotton, and Toreno [2010]). It proceeds in three parts – in each section students read primary and secondary material from the case and discuss prompts that require them to consider multiple points of view and use of empirical findings to understand the situation. The first part of the case describes the attack itself; the second describes the investigation and trial; and the third describes the identification of the actual rapist. Students receive only one part of the case at a time.

The assignment’s goals are to engage students with details of the empirical literature that have been challenging (such as the difference among bias, sensitivity, and criterion in signal detection theory), to elicit critical thinking through the application of academic findings to a “real life” situation, to develop collaborative skills, and to discover the benefits and challenges of applying psychological science to the law.

Students reported that the case was engaging, and forced them to grapple with the empirical literature in a novel way that deepened their understanding. Although the activity was used in a small seminar, it could be adapted for larger settings and an online collaborative learning forum.

The first two pages of the case are below.¹

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**Part I. (15 minutes)**


In 1984 Jennifer Cannino was a senior in college. [Her] focus was on what lay ahead: [she] was going to graduate in the fall with a perfect 4.0, and [she and her] boyfriend, Paul, and were talking about getting married. He was in his first year of business school at UNC-Chapel Hill. [She] was twenty-two years old and those were the kind of crystal-clear pictures [she] carried in [her] mind. Around 3am one summer night a man broke into her house and attacked and sexually assaulted her. Here are excerpts of her account:

**At five foot two, I knew I wouldn’t win a physical struggle. There in my memory, at the knife-edge of fear, time distorted… I knew I must stay present if I was going to have any chance of staying alive. He told me he knew I wore glasses, so he thought I couldn’t see him. He was wrong again. My glasses were for distance; everything right in front of me, I could see. Light from the parking lot lamppost filtered through the blinds—it wasn’t a lot but it was enough. In blinks, I willed myself to note the details. I studied his face for features to identify. The hairline, his awful mouth. Did he have scars? Tattoos? He had close-cropped hair. Although I didn’t want to look at him, I had to. … I tried to look in his eyes. They were distinctly almond shaped, small, and set deep into his face. I searched for something human to connect to, some kind of appeal I could make through eye contact. But he kept shifting his dark gaze away from my eyes. He had high, broad cheekbones, and his mouth was not overly large. A faint shadow of hair framed his upper lip; it looked more like dirt than a mustache…Standing next to him for a few minutes, I tried to record information about how tall he was, if he walked pigeon toed or duck footed. Based on my height, I figured he must be about six feet tall…If I survived, I told myself, I would tell the police he was a light-skinned black man, wearing dark khakis, a blue shirt with white stripes on the sleeve, and canvas boat shoes. He wore white knit gloves on his hands.

The attack lasted over an hour – during the course of it, Jennifer saw her attacker in various locations in her house, including in the full light outside her bathroom. She was able to escape to a neighbor’s house – her neighbors called the police. Later that evening, there is a second attack on another person with the same approach and by an attacker with a similar description.

1. What thoughts or feelings immediately come to your mind while reading this vignette?
2. What are Jennifer’s motivations, feelings, and goals (as described by her, and as you might imagine them)?

Before we learn about what happened next, we want to consider Jennifer’s ability to correctly identify her attacker.

1. What it would mean to measure each of the following? False alarm, miss, shifted criterion, shifted sensitivity and bias.
2. Setting aside general issues with eyewitness testimony and focusing on the literature about cross-race identifications, evaluate Jennifer’s ability to identify her attacker. Consider the following: 1. General trends in cross-racial identification; 2. Any situational and/or individual factors that can improve or impair cross-racial identification. Draw in detail from the reading, and think carefully about which one(s) is (are) present in the current case?
3. If you were evaluating Jennifer’s ability to identify her attacker, what else would you want to know, based on the literature?

¹ The remainder of the case is also available but is not included due to the 2-page limit, inclusive of the resource.
Part II. (40 minutes)

1. The lead detective on the case in Detective Mike Gauldin. What do you think are his goals, motivations, and concerns?

At the police station, Jennifer worked with a sketch artist to create a sketch. Here is her description of the process: I looked at pages and pages of eyes, ears, noses, chins. The parts swam in my field of vision, forcing me to linger over the eyes of my rapist, become an expert in the shape of his brows, which were seared in my memory. When Paul [her boyfriend] and I first met, in those early, bursting moments of infatuation, I would constantly try to recall every part of his face. But I had a vague imprint of him then; I found that I could not isolate his eyes or his smile very well. Only later would I know every scar and crease, the exact shade of his eyes—the features I had grown to love, the features I studied up close in the quiet moments we spent together. After an hour and a half, we had a face. The mouth wasn't quite right, and the ears stuck out too much, but it was close to the picture in my mind. The police were happy. The other victim wasn't sure she could identify him, so I was determined to do a good job. A summary of her description and a picture of the composite is below.

2. Evaluate this process in terms of the psychological theory and findings that you read about for today.

3. Compare Jennifer's approach to envisioning her attacker's face and her boyfriend's face in terms of different approaches people can use for face processing.

The composite sketch was publicized in the community, and someone believed it might be of a coworker. Police identified Ronald Cotton, who voluntarily met with them, and maintained his innocence. He emerged as the primary suspect. Jennifer then was presented with a photo lineup that included Cotton, which she described as follows:

The other officer [Sully] said Detective Gauldin is going to lay down six photos of black males for you to look at. The suspect may or may not be included in these. Please take your time and study each picture. If you do see the person who hurt you, show us,” said Detective Ballard Sullivan … Detective Gauldin told me not to feel compelled to make an identification, to take as long as I needed. I sat at Sully’s desk while Gauldin dealt the mug shots like a pack of cards: three on top, three on the bottom. The detectives stood behind me, and I went through each picture slowly and carefully. The stakes felt awfully high. My heart raced on adrenaline. I assumed they must have had a suspect. Why would they want me to drive all this way if they didn't? All I had to do was pick him out. And if I failed to do that, would be go free? Would be find me? Most were easily eliminated, and I narrowed it down to two. When I looked at one photo, the image of the man performing oral sex on me came back so violently I thought I would be sick right there. The memory was too sharp and clear. “Yeah. This is the one,” I said, pointing to the picture [and identifying Ronald Cotton – the pictures at right are those included in the array]. “I think is the guy.” “You 'think' that’s the guy?” asked Sully. “It’s him,” I said, clarifying. “You’re sure?” asked Gauldin. “Positive.” They asked me to date and initial the back of the photo, and then they did, too. “Did I do OK?” I asked. Sully and Gauldin looked at each other. Relief washed over me. “You did great, Ms. Thompson.” It had taken me five minutes.

Several weeks later, a lineup was held in which Jennifer viewed Ron Cotton, embedded among non-suspects. A picture the lineup and a description of the process from the police record is to the right below (Ron is #5).

[primary source material from police recorded omitted for space]

4. Evaluate this process in terms of the psychological theory and findings that you read about for today.

At trial, the prosecution’s case relied largely on Jennifer’s eyewitness testimony. The jury was not told about the second victim who was unable to make an identification. Cotton’s family testified that at the time of the assaults he was asleep on the couch. The jury deliberated four hours before finding Cotton guilty. He was sentenced to life in prison plus 50 years.

5. Given the lack of physical evidence, why do you think the jury convicted Cotton?

6. If you were an expert witness about the topic of cross-race identification in the Cotton trial, what would you say?