



Assessing the Credibility of Witnesses of Paranormal Activity:

Abstract: This article discusses the factors that need to be analyzed to determine the credibility of a witness of a paranormal event.

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Contents

Introduction.....	3
Observation Factors	4
Witnesses' general conduct and demeanor.....	5
Cross Examination	7
Conclusion	7
References.....	8

Introduction

Historically the basic data for both hauntings and poltergeists has always had very different levels of quality. The high quality cases typically have multiple independent reliable witnesses who report reasonably unambiguous events over extended periods of careful observation. Far more common are what we might call “low grade” cases, in which one or more individuals may report strange sounds, unusual smells, perhaps fleeting observations of amorphous forms (or even more realistic images). These might include unusual body sensations and even feelings of paralysis. Some might include a few unusual object movements or, at least, unexplained placements of objects. These become “cases” when the person or persons who are noticing them decide that the event or collection of events cannot be explained by normal causes. These types of cases are often solvable by identifying naturalistic causes and the misperceptions of the witnesses.

Over the past few decades, considerable advances have been made in understanding the roots and the developmental processes of the low grade cases, but the high grade cases remain as puzzling as ever.¹

Ascertaining the credibility of a witness is vital in determining the grade of a paranormal case/claim. We make judgments every day, usually tacitly and subconsciously, about the credibility of persons who wish us to rely on the veracity of their statements or predictions. It is as long as there are types of individuals and situations in which we are asked to believe something, decide something, or act in a certain way based on statements that are made. In every instance, we have to ascertain whether the statements are worthy of credit, whether they are credible.

The Shorter Oxford English Dictionary defines credible as meaning, “Capable of being believed; worthy of belief or confidence; trustworthy.” What is “worthy of belief or confidence” is a question that we do not explicitly ask ourselves as we go about our daily lives, but in respect of which we express opinions on a regular basis.

Eyewitness identification evidence must be scrutinized carefully. Human beings have the ability to recognize other people from past experiences and to identify them at a later time, but research has shown that there are risks of making mistaken identifications. That research has focused on the nature of memory and the factors that affect the reliability of eyewitness identifications.

Human memory is not foolproof. Research has revealed that human memory is not like a video recording that a witness need only replay to remember what happened. Memory is far

¹ RICHARD S. BROUGHTON, book review of *Hauntings and Poltergeists: Multidisciplinary Perspectives*

more complex. The process of remembering consists of three stages: acquisition -- the perception of the original event; retention -- the period of time that passes between the event and the eventual recollection of a piece of information; and retrieval -- the stage during which a person recalls stored information. At each of these stages, memory can be affected by a variety of factors.²

Observation Factors

The vast majority of reported paranormal phenomenon has naturalistic causes that are misidentified by the witness. In deciding what weight, if any, to give to the witnesses' testimony, you should consider the following factors that are related to the witness, the phenomenon, and the incident itself

(1) The Witness's Opportunity to View and Degree of Attention: In evaluating the reliability of the witness, you should assess the witness's opportunity to view the phenomenon and the witness's degree of attention to the phenomenon at the time of the event. In making this assessment you should consider the following **[choose appropriate factors from (a) through (f) below]:**

(a) Stress: Even under the best viewing conditions, high levels of stress can reduce an eyewitness's ability to recall and make an accurate identification. Therefore, you should consider a witness's level of stress and whether that stress, if any, distracted the witness or made it harder for him or her to accurately identify the phenomenon.³

(b) Duration: The amount of time an eyewitness has to observe an event may affect the reliability of identification. Although there is no minimum time required to make an accurate identification, a brief or fleeting contact is less likely to produce an accurate identification than a more prolonged exposure to the phenomenon. In addition, time estimates given by witnesses may not always be accurate because witnesses tend to think events lasted longer than they actually did.⁴

(c) Distance: A particular set of phenomena (visual, audible and olfactory) is easier to identify when close by. The greater the distance between an eyewitness and the phenomenon, the higher the risk of a mistaken identification. In addition, a witness's estimate of how far he or she was from the phenomenon may not always be accurate because people tend to have difficulty estimating distances.⁵

² Henderson, *supra*, 208 N.J. at 247.

³ *Id.* at 261-62.

⁴ *Id.* at 264.

⁵ *Id.* at 264.

(e) Lighting: Inadequate lighting can reduce the reliability of identification. You should consider the lighting conditions present at the time of the alleged event in this case.⁶

(f) Intoxication: The influence of alcohol can affect the reliability of identification.⁷ An identification made by a witness under the influence of a high level of alcohol at the time of the incident tends to be more unreliable than identification by a witness who drank a small amount of alcohol.⁸

(2) Prior Description of Phenomenon: Another factor for your consideration is the accuracy of any description the witness gave after observing the incident and if a prior description of the phenomenon existed and was known to the witness before their incident occurred. Facts that may be relevant to this factor include whether the prior description matched the testimony of the witness, whether the prior description provided details or was just general in nature, and whether the witness's testimony during the interview was consistent with, or different from, his/her prior description of the phenomenon.

(3) Confidence and Accuracy: As explained earlier, a witness's level of confidence, standing alone, may not be an indication of the reliability of the incident being paranormal in nature.⁹ Although some research has found that highly confident witnesses are more likely to make accurate identifications, eyewitness confidence is generally an unreliable indicator of accuracy.¹⁰

(4) Time Elapsed: Memories fade with time. As a result, delays between the occurrence of the phenomenon and the time of the interview is conducted can affect the reliability of the identification. In other words, the more time that passes, the greater the possibility that a witness's memory of a perpetrator will weaken.¹¹

Witnesses' general conduct and demeanor

It is a matter in which so many human characteristics, both the strong and the weak, must be taken into consideration. The general integrity and intelligence of the witness, his power to observe, his capacity to remember and his accuracy in statement are important. It is also important to determine whether he is honestly endeavoring to tell the truth, whether he is sincere and frank or whether he is biased, reticent and evasive. All these questions and others

⁶ Ibid.

⁷ If there is evidence of impairment by drugs or other substances, the account can be modified accordingly.

⁸ Henderson, supra, 208 N.J. at 265.

⁹ Id. at 254 (quoting Romero, supra, 191 N.J. at 76).

¹⁰ Id. at 253-55.

¹¹ Id. at 267.

may be answered from the observation of the witnesses' general conduct and demeanor in determining the questions of credibility.

- 1. The demeanor of the witness while testifying and the manner in which the witness testified;**
- 2. The character of the witness's testimony;**
- 3. The extent of the capacity of the witness to perceive, to recollect, or to communicate any matter about which he or she testifies;**
- 4. The witnesses character for honesty or veracity or their opposites;**
- 5. The existence or nonexistence of a bias, interest, or other motive;**
- 6. A statement previously made by the witness that is consistent with his or her statement that was given previously;**
- 7. The existence or nonexistence of any fact testified to by the witness;**
- 8. The attitude of the witness toward the action in which the witness testifies or toward the giving of the testimony; and**
- 9. any admission of untruthfulness the witness makes.**

Some factors are usually present in almost any administrative proceeding. Thus, demeanor of the witness, consistency of the witness's evidence with his or her own previous statements or the rest of the evidence as a whole, and bias or interest are matters that most decision-makers should almost always be alert to.

Of these, demeanor may be the most difficult to assess properly. Nervousness may produce hesitation, for example, having nothing to do with lack of truthfulness. On the other hand, a witness's deliberate attempt to avoid answering direct questions, or lack of responsiveness, is a factor typically and legitimately taken into account in assessing credibility. On the other hand, physical appearances, including dress, social or cultural idiosyncrasies are not relevant.¹²

Bias or interest in the paranormal should be taken into account. This is not always apparent. This apparent evidence and testimony is often very much slanted and one-sided, and the witness, eager to help for one reason or another, is gently persuaded to tell the story in a way that leaves much unsaid. Only probing cross-examination, conducted through multiple interviewers, can reveal the true state of affairs, and should be pertinent.

However helpful demeanor and bias or interest may be in assessing credibility, the most important factor is coherence or consistency. Is the witness's evidence consistent as a whole? Is there any material point in respect of which he or she has contradicted himself or herself, either during the course of the interview or in a prior utterance made in another forum? Is the

¹² Council of Canadian Administrative Tribunals, June 11-13, page 14

evidence inherently probable, or does it require that the decision maker assume facts that are unlikely? Does the witnesses' testimony conform to facts that are known to be true?

Cross Examination

If coherence is the hallmark of credibility, and incoherence and inconsistency the telltale sign of falsehood or prevarication, one must also consider how inconsistency is established during an interview.

The great American jurist of the law of evidence, Professor Wigmore, said of cross-examination that it is "beyond any doubt the greatest engine ever invented for the discovery of truth." And one of the purposes traditionally attributed to cross-examination is to discredit the witness. In other words, the task of assessing credibility necessarily entails the process of cross-examination, since for any tribunal for which the accuracy of facts is important, no tool other than cross-examination exists that will satisfactorily test the credibility of evidence.¹³

It follows that the assessment of credibility is not only a matter of focusing on factors such as demeanor, bias, or consistency. It entails the necessity of an inquiry which affords the investigator the opportunity to properly assess these factors, knowing that most witnesses of paranormal activity will present their evidence in such a way as to play on the elements of their own belief systems. Only the party that is adverse in interest can be counted on to present the "other side of the story", not only through his or her own witnesses, but most importantly through cross-examination. In a paranormal investigation this is best done by conducting multiple interviews using multiple interviewers. The testimony of a witness is often remembered in a story like format. There is a beginning (what happened prior to the event) a middle (the event itself) and an end (what happened after the event). By having the witness retell his or her account out of that sequence, inconsistencies can be revealed.

This is not to say that cross-examination need always be aggressive. Effective cross-examination must be very civilized, where the witness hardly realizes that he or she is being co-opted into the cause of the other view point.¹⁴

Conclusion

Misperception and bias account for more paranormal reports than any other single cause. It is therefore very important to identify and eliminate them satisfactorily. Identifying misperception is heavily reliant upon the analysis testimony that is collected from witnesses. If that testimony is inaccurate, the investigator may be trying to identify misperceptions (events)

¹³ Assessing the Credibility of Witnesses: A practical guide, page 18; 1992

¹⁴ Sopinka, *The Law of Evidence* (1992), p. 857.

that didn't actually happen or the details required to identify phenomenon are too distorted to make an accurate determination. Humans are not neutral recorders of their environment and should not be treated as such. Only once we have eliminated misperception as a possibility should other explanations, including the paranormal, be considered.

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