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An Examination of Defense Attorney Knowledge of Dispatcher Practices in Eyewitness Calls

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Abstract

911 dispatchers are often the first point of contact for witnesses to crimes. Dispatchers have an important role in collecting information related to a witness' observations and recollection of events, and this information can serve as primary evidence in criminal cases. Therefore, it is crucial that evidence collected from eyewitnesses is as accurate and detailed as possible. In the present study, we investigated defense attorneys' perceptions on how dispatchers gather information from eyewitnesses during 911 calls, because little is known with respect to how defense attorneys review, use, and challenge 911 calls. Using an online survey, we asked defense attorneys from the National Forensic College to answer questions regarding their experiences with what dispatchers usually ask eyewitness callers. This research highlighted disparities between attorneys' observations of dispatcher practices through their experiences with reviewing 911 transcripts, and dispatcher reports of their practices as investigated in previous research. The results demonstrated that even though both attorneys and dispatchers concur that dispatchers are evidence collectors, very few attorneys believed that it is a dispatcher's responsibility to obtain detailed perpetrator descriptions and few participants reported that dispatchers actually do this, contrary to what dispatchers say they do (Dysart & Kassis, 2018). Our findings also indicate that attorneys do not always ask if a 911 call was made in their case and when they do ask, the calls have often already been deleted. Finally, we provide suggestions for future studies that we expect will shape the direction of this burgeoning field.

An Examination of Defense Attorney Knowledge of Dispatcher Practices in Eyewitness Calls

Eyewitness misidentification is involved in approximately 70% of wrongful convictions identified through post-conviction DNA testing (Innocence Project, 2020) and in hundreds of other wrongful convictions in the United States (National Registry of Exonerations, 2020). Thus, there is a need to improve identification accuracy, especially considering that eyewitness testimony can serve as the sole piece of evidence in a criminal trial (Zajac & Henderson, 2009), and that eyewitness evidence is strongly relied upon by jurors and judges in determining guilt (e.g., Kassin, Tubb, Hosch, Memon, 2001). Together, these facts underscore how imperative it is to ensure that eyewitness memory evidence is collected and preserved by *all* actors in the criminal justice system, including first responders, using best practices that are supported by scientific research (Wells, Kovera, Douglass, Brewer, Meissner, & Wixted, 2020).

Research has shown that the accuracy of a memory report can be influenced by time (delay) and thus it is important for memories to be retrieved and documented as soon as possible after an event (e.g., Dysart & Lindsay, 2007; Ebbesen & Rienick, 1998; Odinot & Wolters, 2006; Odinot, 2006; Paterson & Kemp, 2006). When considering a common course of events in reporting crimes, a first step for many eyewitnesses is a call to 911 or equivalent emergency services. In fact, there were 240 million calls made to emergency services in the United States in 2018 (National Emergency Number Association, 2020). 911 calls have recently become of interest to eyewitness researchers because 911 dispatchers (hereafter dispatchers) may often be the first individuals that eyewitnesses provide information to regarding a perpetrator's appearance and actions. Consistent with this view, Dysart and Kassis (2018) established in their research that a majority of dispatchers perceive themselves as "the first first responders" and view their role in the criminal justice system as that of an evidence collector. This belief is also

reflected in law, as under the Homeland Security Act of 2002 "first responders" are defined as "individuals who, in the early stages of an incident, are responsible for the protection and preservation of life, property, *evidence*, and the environment" (Policeone.com, 2020). As a result of this legislation, some jurisdictions have now changed the title of "dispatchers" to "first responders." This is an important milestone as it formally recognizes dispatchers as evidence collectors and by extension, recognizes the important role they play in collecting evidence from witnesses. Therefore, it is important that dispatchers, like law enforcement first responders, are trained to collect as much accurate information as possible from eyewitness callers - without altering or contaminating the eyewitnesses' memories.

The questions asked of an eyewitness in the initial recollection opportunity following an event are crucial, as the wording and type of questions (e.g., open or closed-ended) can significantly influence the accuracy of the witness' recollection (e.g., Harris, 1973; Leding, 2012; Lindsay, 1990; Sharman & Powell, 2012). Consequently, dispatchers, like police, should be trained on how memory "works" and how their questions can influence accuracy so that they can collect information from eyewitnesses using non-leading, non-suggestive techniques. In the first research study exploring the training of dispatchers in this area, Dysart and Kassis (2018) surveyed dispatchers on their practices during calls, including what types of questions they ask witnesses, what pieces of information they attempt to ascertain about the perpetrator, and how much eyewitness training they had received throughout their career. Their results indicated that 83% of participants had received training on how to gather information from eyewitnesses, however, only 75% of participants were trained to ask follow-up questions when an eyewitness provided a limited description of a perpetrator. Dysart and Kassis also found that physical characteristics of perpetrators, such as hair style and length and facial hair, were not routinely

asked of eyewitness callers and there was a general lack of dispatcher training with respect to obtaining detailed perpetrator descriptions.

To date, no published study has examined other criminal justice professionals' opinions of dispatcher skills and practices in eyewitness calls. This is crucial to assess as it allows us to gain insight into what questions dispatchers actually ask during calls, which in turn will allow us to evaluate whether detailed and accurate information is obtained by them as much as possible. Consequently, we can utilize this knowledge to advocate for eyewitness specific training in dispatchers and attorneys. Therefore, the present study sought to expand our knowledge in this field by surveying defense attorneys on their opinions of dispatcher practices when collecting information from witnesses. It was expected that defense attorneys would have experience with dispatcher practices based on the likelihood that they would have reviewed 911 transcripts over their careers. In addition, we were interested to learn whether our defense attorney participants had ever called a dispatcher as a witness at trial, and, if they had, how often they engage in this practice. This information is important because it will inform the criminal justice community as to whether or how often 911 dispatchers are challenged in court about their training and practices during eyewitness calls. As a point of comparison, it is relatively common for police officers to be called as witnesses during criminal proceedings and to be questioned about their training and practices. Finally, we aimed to compare our participants' experiences with 911 calls and dispatchers, with responses from dispatchers in the first known study examining dispatchers' training and practices in eyewitness calls (Dysart & Kassis, 2018).

Preservation of Evidence

While conducting our literature review, we discovered that the loss of information at the hands of dispatchers, due to their failure to obtain detailed perpetrator descriptions, is

simultaneously a loss of evidence. Consequently, it is a failure to preserve evidence, which is a violation of the government's duty in a criminal case (Justia,com, 2019). In two previous studies, researchers have established dispatchers' lack of training in their role as information or evidence collectors in eyewitness calls (Dysart & Kassis, 2018; Kosziollek, 2019). Together, the results demonstrated that dispatchers are not sufficiently trained on what questions to ask eyewitness, and, as a result, do not typically obtain detailed information from callers about the perpetrator's appearance, the witnessing conditions, and a host of other relevant crime related details. As a consequence, it is reasonable to conclude that there will be a loss of evidence in many eyewitness cases where memories tend to fade relatively quickly after witnessing an event, (e.g., Ebbesen & Rienick, 1998; Odinot & Wolters, 2006) as well as in cases where dispatchers are asking poorly worded or leading questions (Harris, 1973; Loftus & Palmer, 1974). Further, if there are multiple witnesses to a crime who communicate with one another before law enforcement first responders arrive on scene, there could be early contamination of the memory evidence that would be difficult – if not impossible – to undo (Loftus & Greene, 1980). In sum, by not obtaining eyewitness evidence (by virtue of not asking appropriate or detailed questions) and by allowing witness contamination to occur, the criminal justice system is failing in its duty to preserve evidence – a constitutional requirement in the United States. In cases where evidence is destroyed or lost, the burden falls on the defense to demonstrate that the prosecution or government acted in "bad faith" when violating the duty to preserve evidence. This creates a risk of false convictions, as the defense may not always be successful in demonstrating that the government failed to preserve evidence that may have been helpful to the defense (Justia.com, 2019).

In addition to laws requiring the preservation of evidence, the National Academies of Science in 2009 proposed major changes and recommendations to the collection and preservation of *forensic* evidence. Their recommendations fell into in several categories: pattern/experience evidence (e.g., fingerprints), analytical evidence (e.g., DNA), and digital evidence.[1] However, a glaring omission in this national report was any guidance about another type of trace evidence: memory evidence.

In 1999, the National Institute of Justice published guidelines for *law enforcement* for improving the collection of eyewitness evidence. In this document, which was written for, and distributed to all law enforcement agencies across the United States, there was a single page on dispatcher practices titled "Answering the 9-1-1/Emergency Call (Call-taker/Dispatcher". In this section of the Guidelines, 911 dispatchers were described as being responsible for obtaining accurate information from callers in a non-suggestive manner, specifically through open-ended and non-leading questions. However, no information was provided as to the types of questions and subject areas that should be covered. A similar deficiency in guidance for dispatchers was apparent in the National Academy of Sciences (2014) 170-page review of the eyewitness identification literature and recommendations for best practices. In this report, the term "dispatcher" appears only one time.[2]

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[1] In addition, the National Institute of Standards and Technology together with the National Institute of Justice published a handbook in 2013 describing the best practices for preserving biological evidence, meant for instructing crime scene technicians, police officers, forensic scientists and others who are involved in the process of collecting physical evidence, such as blood, saliva, hair and an array of bodily fluids and secretions (National Institute of Standards and Technology, 2013). Thus, there is precedent for the federal government to engage in widescale reviews and create best practice documents for forensic evidence.

[2] On page 106 of the 2014 NAS Eyewitness Report, the following sentence appears: Dispatchers should be trained not to "leak" information from one caller to the next and to ask for information in a non-leading way.

Given that the 1999 NIJ Guidelines were intended for law enforcement and the fact that eyewitness memory is not routinely included in dispatchers' basic training (Dysart & Kassis, 2018; Kosziollek, 2019), it is likely that many dispatchers are not aware of the best practices in collecting and preserving memory evidence from eyewitnesses. This is highly concerning considering the key role that memory evidence plays in criminal justice proceedings in the form of eyewitness identification. If dispatchers are not given specific guidance on how their questions can influence the eyewitness evidence, the result may be a loss of critical information, including detailed descriptions of perpetrators and the witness' opportunity to observe, the witnessing conditions, and/or the corruption of evidence through co-witness contamination.

Perpetrator Descriptions

Specific perpetrator characteristics provided by eyewitnesses can be key in assessing the likelihood of a correct identification of a suspect (e.g., Meissner, Sporer & Schooler, 2007). In particular, researchers have found that the "quality" of a witnesses' memory for perpetrator features, specifically how accurately they recall characteristics in the absence of adverse witnessing conditions such as cross-race bias, stress, or limited visibility, is predictive of recognition accuracy (Sporer, 2001). However, as demonstrated in Dysart and Kassis (2018) and Kosziollek (2019), eyewitness 911 callers do not usually provide detailed descriptions of perpetrators and dispatchers are not consistently trained to ask follow-up questions to obtain this information. In fact, a majority of dispatchers reported that they do not routinely ask witnesses about detailed perpetrator characteristics such as: the presence of tattoos or unique features, age, hair or eye color, clothing accessories, and weapon or vehicle description when present. Moreover, they do not routinely inquire about witnessing conditions, such as whether the witnesses themselves were under the influence of alcohol or drugs, perpetrator visibility

(distance, lighting, etc.), and the presence of other witnesses. Consequently, in this study, we were interested in assessing which of these perpetrator characteristics are most often present in 911 calls that defense attorneys had reviewed over their career.

Estimator Variables

There is an array of factors that can negatively impact or limit a witness' ability to provide a detailed and accurate description (and identification) of a perpetrator. One category of factors is referred to as estimator variables, the uncontrollable situational factors that have been shown to influence memory strength and accuracy (Wells, 1978). For example, a witness' opportunity to view a perpetrator can be affected by the length of the crime, poor lighting conditions, distance, stress/fear, intoxication, and the presence of weapons. In turn, the presence of these factors can influence eyewitness reliability. Thus, it is important for there to be a detailed record of the witnessing conditions – estimator variables – so that law enforcement, prosecutors and defense attorneys can assess the strength of the eyewitness evidence prior to plea bargaining or a trial.

Co-witness Contamination

In addition to estimator variables – or the quality of witnessing conditions – there are other factors that can contaminate memory evidence and should be included in an assessment of witness reliability. One of these factors is co-witness contamination (Paterson, Kemp, & McIntyre, 2012; Thorley, 2013; Zajac & Henderson, 2009). Eyewitnesses view an event from different perspectives, which affects their perception and memory of what took place. Therefore, in cases where there are multiple eyewitnesses to an event, different pieces of information might be observed and reported by separate witnesses. However, in instances where the multiple eyewitnesses to an event discuss the event and share details about it, the witnesses exchanging

information can incorporate the new information into their memory. The result of these

discussions may be memory conformity through co-witness contamination (Paterson, Kemp, &

McIntyre, 2012; Thorley, 2013; Zajac & Henderson, 2009). For instance, if two people witnessed

a robbery and saw the get-away vehicle, one witness could perceive the car to be dark blue and

the other could see it as black. In a subsequent discussion, one witness might take on the other's

description for a variety of reasons (e.g., they believe the other witness had a better opportunity

to see the car). This co-witness influence poses a threat to the reliability of the evidence, as the

"new" information that was provided by the co-witness and incorporated in the other witness'

report may be incorrect (e.g. Loftus & Greene, 1980; Paterson & Kemp, 2005; Paterson et al.,

2012). Furthermore, the source of the information (i.e., where did I learn this?) may not

necessarily be attached to the pieces of information in a witness' memory and thus they may not

consciously be aware of what information they actually experienced versus what they learned

after the fact. This is known as the source-monitoring error (Leding, 2012; Luna & Martin-

Luengo, 2013). Consequently, false memories can be created in eyewitnesses and their

subsequent testimony may become contaminated by either incorrect (or correct) information that

was actually introduced by a co-witness or other sources, including a dispatcher. This reflects a

source-monitoring concern that was included in the NAS report (2014) where it was suggested

that dispatchers need to be cautious as to not "leak" any information to witnesses.

Legal Remedies

Considering the plethora of factors discussed above that contribute to a greater risk of

witness memory errors and the development of false memories, the law has created certain

provisions to help safeguard against these types of errors, such as co-witness influence. One

provision is the hearsay rule, which prohibits eyewitnesses from including in their testimony

information that they heard from another individual (Paterson & Kemp, 2005; "Search Legal

Terms and Definitions", 2018). Although the hearsay rule might aid attorneys in challenging

witnesses' testimony that is a result of co-witness influence, the rule only applies to information

provided by another witness, not information that was exchanged during a 911 call or "leaked"

by a dispatcher. This is problematic because research demonstrates that witnesses might not be

able to differentiate between their own experiences and those that originated from others,

regardless of the source (Leding, 2012; Paterson, Kemp, & McIntyre, 2012; Thorley, 2013; Zajac

& Henderson, 2009).

A second way defense attorneys can challenge an eyewitness identification in a case that

involved a 911 call is by calling the dispatcher as a witness. The attorney could point to

shortcomings in evidence collection (e.g., no follow up on a vague description) or errors (e.g.,

leaking) they can identify in the call. According to Paterson and Kemp (2005), lawyers often

question eyewitnesses to discover if their testimony could be contaminated but tend to focus on

hearsay between witnesses. However, it may not readily occur to them that dispatchers may be

another opportunity for hearsay to occur. This is why it is imperative that attorneys are able to

assess the quality of call transcripts.

Current Study

There is evidence demonstrating the important role that dispatchers should play as

evidence collectors in eyewitness calls and previous studies have surveyed dispatchers on their

perceptions of this role. In the current study, we sought to gain insight into defense attorneys'

perspectives on the efficacy of dispatchers' training through their experiences defending and

reviewing eyewitness cases. As defense attorneys are one of the criminal justice system's

safeguards against false convictions that are caused by misidentifications that may result by

dispatchers' lack of training, there is a need to gain insight into attorneys' perspective of how information is collected by dispatchers. In this study, we asked defense attorneys from the National Forensic College to answer a series of questions based on their experiences with their own cases that involved eyewitnesses. Because this group of attorneys had received training on the science of eyewitness identification, we were interested in their perception of the quality of dispatchers' work in eyewitness calls. We also sought to gain a more objective perspective on what questions are actually asked by dispatchers during 911 calls, as previous studies have had dispatchers report on their own practices.

We administered an online questionnaire to defense attorneys to assess their experiences with dispatchers in court and the "quality" of the transcripts that they have reviewed over their careers. We compared the attorneys' perceptions of dispatchers with information provided by dispatchers in the Dysart and Kassis (2018). Specifically, we compared responses on the following topics: do dispatchers ask the eyewitness follow-up questions when a witness provided an initial description that was vague or limited in the number of details; do dispatchers ask if eyewitnesses were under the influence of alcohol or drugs, whether they "got a good look" of the perpetrator, whether they noticed anything unusual about the perpetrator, about the lighting at the scene of the incident, or how far away they were from the perpetrator; do dispatchers ask if there were other eyewitnesses to the event? Based on the findings of previous studies, it was hypothesized that the defense attorneys will identify 911 dispatchers as evidence collectors, but will also identify a deficiency in the collection of important information with regards to perpetrator characteristics and witnessing conditions in 911 transcripts they have reviewed over the course of their career.

Method

Design

Our study utilized a survey methodology with multiple-choice and open-ended questions,

allowing participants to provide unconstrained details about their perceptions and experiences.

We compared our participants' responses to those of dispatchers that have been collected in

Dysart and Kassis (2018), allowing us to look for consistencies and inconsistencies between

defense attorneys and dispatchers with respect to the types of questions dispatchers ask during

calls with eyewitnesses.

Participants

Several participation request emails (Appendix A) were sent through the National

Forensic College (NFC) email list from April 2019 to January 2020. The NFC is comprised of

experienced trial and post-conviction defense attorneys across the United States who were

invited to and attended at least one Continuing Legal Education (CLE) training provided by the

Cardozo School of Law. We chose this elite group of attorneys due to the expectation that they

would have a great deal of experience reviewing 911 transcripts over their careers. In total, we

received survey responses from 12 attorneys.

Of the eight participants who answered the demographic questions, 50% were male and

50% were female. Participants had an average age of 49.0 years (SD = 11.4) and 22.1 years (SD

= 10.6) of experience as a defense attorney. All of the participants were still practicing law in:

Alabama (1), California (1), Georgia (1), New Jersey (2), New York (1), Pennsylvania or Rhode

Island (5),[3] and Wisconsin (1). In addition, 37.5% had also worked in federal court. To the

question of whether they had ever attended a CLE where eyewitness identification was a topic,

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[3] A technical error in the survey placed Pennsylvania and Rhode Island in the same answer
choice in the question of "Which state(s) or jurisdiction(s) do you or have you practiced in?"

75.0% (SD = 0.46) reported they had, while 25.0% had not. In a more specific follow-up

question we asked whether they had ever attended CLE training where the subject was 911

dispatchers as evidence collectors. Here, only 12.50% (SD = .35) said they had, while 87.50%

had not. None of the participants had ever worked as a dispatcher.

Materials

> We created a 35-item Defense Attorney 911 Questionnaire (Appendix B) to provide

information on the attorneys' professional background, their experience with eyewitness 911

calls, and their view of dispatchers. The questionnaire was a modified version of the survey

utilized in Dysart and Kassis (2018), enabling us to compare dispatchers' perception of their role

with the attorneys' perception of the dispatchers' role. The following closed- ended questions

were included from the 2018 dispatcher survey: "In general, what role do dispatchers play in

criminal investigations?"; "Do you believe a dispatcher plays a role as an evidence collector?";

"In your opinion, whose responsibility is it to obtain a detailed description of a perpetrator from

a witness to a crime?"; "From your experience, how often are witnesses asked for a detailed

description of a perpetrator by members of the following groups?"; "In your opinion, do the

following groups receive sufficient training in how to accurately gather information from crime

witnesses?". We also asked them whether they thought it would be helpful for 911 dispatchers to

have prompts (checklists) for calls in which a witness is describing a crime and/or perpetrator.

> The questionnaire also included new questions related to attorneys' experiences with and

observations of dispatcher practices through 911 calls they had reviewed throughout their career.

We adapted the practice-specific questions used in Dysart and Kassis (2018) for dispatchers and

used them to obtain attorneys' observations. For example, we asked attorneys whether "when a

witness calls 911 and reports a crime involving multiple perpetrators, dispatchers ask the caller

to separately describe what each perpetrator looks like" and whether when multiple witnesses

call in separately to 911 about the same incident, dispatchers ask the same questions for each of

the callers." We also asked attorneys whether dispatchers questioned witnesses on specific

perpetrator characteristics such as: gender, height, weight/build, clothing, hair color, hair

length/style, noticeable accent, distinct features, and whether it reminds the witness of someone.

In addition to perpetrator characteristics, we also inquired about dispatchers asking witnessing

condition questions such as: the witness' state of mind, the presence of co-witnesses, and

opportunity to view the perpetrator. Other questions touched upon the content of attorneys' CLE

training, whether they had ever been involved in a case where the dispatcher testified in court, or

whether they had ever questioned a dispatcher (in court) on evidence collection practices. We

were also interested in knowing how many transcripts they had reviewed over their careers and

whether those contained detailed descriptions of a perpetrator and non-leading questions. We

inquired on whether they had requested copies of any transcripts for cases they had worked on,

and whether they actually received a copy. Finally, we asked attorneys to provide us with a

transcript of a 911 call in an eyewitness case they had been involved with, as well as answer a

few questions about the call and the case. Unfortunately, no participants provided a transcript

and thus we were not able to review or analyze transcripts in this study.

Procedure

We contacted a representative of the NFC via email and asked the representative to

distribute an email request (with a link to the Defense Attorney 911 Questionnaire) to the NFC

email list (Appendix A). The email request informed attorneys that we were asking for 911

"eyewitness" call transcripts, preferably from cases within the last five years so that we could

examine more contemporary practices. Participants were provided with a link to Survey Monkey,

where they viewed the consent form (Appendix C), followed by the questionnaire. Participants were asked to locate an appropriate transcript and redact any personal identifying information of the caller before beginning the survey. As stated above, no participants completed this portion of the survey. At the completion of the survey, participants were debriefed (Appendix D) and thanked for their time.

Results

Role of Dispatchers

The first question in our survey asked participants to respond to the following open-ended question: "In general, what role do dispatchers play in criminal investigations?". Our results revealed that attorneys, like dispatchers in Dysart and Kassis (2018), believe the role of dispatchers is to collect initial or basic information (66.7%) and relay that information to the police (58.3%). In comparison, 72.2% of dispatchers in Dysart and Kassis felt that one of their roles was "information gatherer" and 27.3% said it was to "relay information." When defense attorney participants were asked specifically whether a dispatcher plays a role as an evidence collector, 83.3% said yes, consistent with the results from Dysart and Kassis where 79.2% of dispatchers also responded in the affirmative, X^2 (1, N = 118= 0.96, p = .62).

Participants were also asked to identify whose responsibility it is to obtain a detailed description of a perpetrator from a witness. All of our participants (100%) indicated that law enforcement are responsible for obtaining detailed descriptions, consistent with dispatcher responses in Dysart and Kassis (99%, p=1).[4] When asked about prosecutor responsibility, defense attorneys (58.3%) and dispatchers (37.7%) had similar opinions about that role, x^2 (1, N = 118) = 1.91, p = .17. Comparable results were found with regard to defense attorney

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[4] We utilized a two-tailed Fisher's exact test for this comparison and other analyses throughout our results.

responsibility, with 25.0% of defense attorneys and 33.0% of dispatchers indicating that defense

attorneys should be gathering this information, x^2 (1, N = 118) = 0.32, p = .57. However, a

significant difference between the two samples was revealed when it came to dispatcher

responsibility. Only 58.3% of defense attorneys compared to 93.4% of dispatchers indicated that

it is a dispatchers' responsibility to obtain a detailed description from a witness, x^2 (1, N = 118)

= 14.51, p <.001. After addressing the issue of responsibility, we then asked how often witnesses

are actually asked for a detailed description of a perpetrator by members of those same groups

(see Table 1). The results for prosecutors and defense attorneys did not differ between the two

samples, with less than 15% of respondents indicating that these groups always obtain a detailed

description. Significant differences were found, however, when participants were asked to

describe law enforcement and dispatcher practices, where defense attorneys provided lower

estimates than did dispatchers.

Table 1

Percentage (frequency) of defense attorneys and dispatchers (Dysart & Kassis, 2018) who indicated that the following groups "always" ask 911 eyewitness callers for detailed witness descriptions.

Group	Defense Attorneys	Dispatchers (D & K, 2018)	Fisher's Exact Test
Law Enforcement	8.3 (1)	88.7 (94)	p < .001
Dispatchers	0	74.5 (79)	p <.001
Prosecutors	8.3 (1)	14.2 (15)	p = 1
Defense Attorneys	8.3 (1)	14.2 (15)	p = 1

We also asked participants to rate whether various groups in the criminal justice system

are sufficiently trained to accurately collect information from witnesses (see Table 2). The results

demonstrated stark differences in opinions regarding training between the two samples.

Specifically, dispatchers from Dysart and Kassis were more likely to report being "not sure" as

to whether prosecutors, x^2 (1, N = 106) = 13.16, p < .001, and defense attorneys, x^2 (1, N = 106)

= 18.44, p < .001, receive sufficient training to accurately gather information from crime

witnesses.

Table 2

*Percentage (frequency) of defense attorney participants and dispatchers (Dysart & Kassis, 2018)
who indicated that members of various groups receive sufficient training to accurately gather
information from crime witnesses.*

Group Receiving Training	Defense Attorneys	Dispatchers (D & K, 2018)
Law Enforcement		
Yes	25.0 (3)	91.5 (97)
No	50.0 (6)	2.8 (3)
Not sure	25.0 (3)	5.7 (6)
Dispatchers		
Yes	0	84.0 (89)
No	58.3 (7)	14.2 (15)
Not sure	41.7 (5)	1.9 (2)
Prosecutors		
Yes	16.7 (2)	20.8 (22)
No	58.3 (7)	3.8 (4)
Not sure	25.0 (3)	75.5 (80)
Defense Attorneys		
Yes	41.7 (5)	20.8 (22)
No	41.7 (5)	2.8 (3)
Not sure	16.7 (2)	76.4 (81)

This result is not unexpected given the low likelihood that dispatchers would need to

interact with prosecutors and defense attorneys to perform their job. However, when asked about

dispatcher training, none of the attorneys believed that dispatchers are sufficiently trained, a

result that is in bold contrast to dispatcher opinions on the subject, where 84% said they had

sufficient training, $p < .001$. Finally, the two samples also differed on whether law enforcement are sufficiently trained, with dispatchers (91.5%) giving law enforcement more credibility on this issue than did defense attorneys (25.0%), x^2 (1, N = 106) = 36.89, $p < .001$.

Attorney Experience with 911 Calls

We asked participants several questions regarding their experience reviewing different types of eyewitness 911 calls over their careers. On the topic of multiple perpetrator crimes, we asked whether dispatchers ask a caller to separately describe what each perpetrator looks like. Zero participants indicated that dispatchers "always" or "very often" ask callers for this information. These results contradict the data from Dysart and Kassis (2018) where 63.4% of dispatchers indicated that they "always" ask for separate descriptions ($p < .002$) and 17.8% indicated that they do this "very often" ($p = .35$). We also asked participants about dispatcher practices in cases where there are multiple witnesses that call in regarding the same incident. We asked whether, in such instances, dispatchers ask the same questions of each caller. Again, significant differences were discovered; dispatchers reported that they "always" ask the same questions at a much more frequent rate (69.0%) than did defense attorneys (0%), $p < .001$. Instead, defense attorneys were most likely to say that dispatchers "sometimes" ask the same questions of multiple callers (44.4%).

We were also interested in how often defense attorneys had seen dispatchers asking callers follow-up questions when callers initially provided minimal information about a perpetrator's appearance. We asked attorneys to select which types of information dispatchers "always ask" in 911 call transcripts using the categories from Dysart and Kassis (2018; see Table 3). With the exception of gender (55.6%) and clothing (11.1%), none of the other categories received a single affirmative response from defense attorney participants. As can be seen from

Table 3, dispatchers provided a very different picture of their "always ask" practices. Thus, more

research needs to be conducted to explore the reliability of responses from both participant

groups. An examination of 911 transcripts will be informative for this purpose.

Participants were asked to indicate how often dispatchers ask callers about a series of

estimator variables that could affect eyewitness reliability. Our findings indicated a general lack

of inquiry regarding witnessing conditions: 77.8% of participants reported that dispatchers rarely

or never ask whether the caller was under the influence of alcohol or drugs; 77.8% reported that

dispatchers rarely or never inquire about the presence of other witnesses at the scene; 66.6%

Table 3

Percentage (and frequency) of defense attorneys who reported that dispatchers "always ask" callers to report perpetrator descriptions. The results are compared to Dysart & Kassis (2018) findings on dispatcher practices.

Feature	Defense Attorneys	Dispatchers (D & K, 2018)	Fisher's Exact Test
Sex (Gender)	55.6 (5)	93.1 (94)	p = .004
Clothing	11.1 (1)	93.1 (94)	p < .001
Height	0.0 (0)	51.5 (52)	p =.003
Weight	0.0 (0)	50.5 (51)	p = .003
Hair color	0.0 (0)	50.5 (51)	p =.003
Distinct features	0.0 (0)	34.7 (35)	p = .03
Hair Length	0.0 (0)	24.8 (25)	p =.11
Noticeable Accent	0.0 (0)	5.9 (6)	p =1
Reminds the witness of someone	0.0 (0)	2.0 (2)	p =1

reported that dispatchers rarely or never inquire about the distance between the witness and the

perpetrator; 66.6% reported that dispatchers rarely or never ask whether the caller had a "good

look" of the perpetrator or whether the caller noticed anything unusual about them (77.8%); 33.3% reported that the dispatchers rarely or never asked whether the caller knows or is familiar with the perpetrator; and 100% of participants reported that dispatchers rarely or never inquire about the quality of the light conditions at the scene of the crime.

Transcript Review

Participants were asked some general questions about 911 transcripts, including how many transcripts they had reviewed over their career as an attorney (M = 367.5, SD = 435.2, minimum of 5, maximum of 1000) and how many eyewitness transcripts they had reviewed (M = 346.3, SD = 436.3, minimum of 5, maximum of 1000). We were particularly interested in knowing the overall quality of 911 transcripts that attorneys have reviewed throughout their career, which would give us a better idea of how adept dispatchers are as evidence collectors. We asked participants to state their level of agreement on a 5-point Likert-type scale to the statement "the majority of 911 eyewitness calls I have reviewed are of high quality, where the dispatcher asked detailed, non- leading questions of the caller." Results indicated that 71.4% of our respondents disagreed or strongly disagreed with the statement while only 14.3% agreed or strongly agreed. For the statement "on the majority of 911 eyewitness calls I have reviewed, witnesses are asked for a detailed description of the perpetrator", 75.0% disagreed or strongly disagreed and only 12.5% agreed.

We next asked our defense attorney participants about how often they inquired, in their regular cases, as to whether there was a call made to 911. Of the seven responses, the mean was 71.4% of the time (SD = 36.14), with a range from 0% to 100%. We also asked how often they requested a transcript in cases where they learned a 911 call had been made. Unanimously, participants responded that in such cases, they always requested the transcript. Unfortunately,

our participants were not always successful in that request, as 23.4% of the time they were

informed that the transcript was not available primarily because too much time had elapsed (e.g.,

30 days, 90 days) since the incident and thus the call was deleted/destroyed.

Dispatchers as Witnesses

We were also interested to learn how many times our participants had called a dispatcher

as a witness or cross-examined a dispatcher who was a prosecutor's witness. The range of

responses for cross-examining was 0 to 250 (M = 37.0, SD = 87.0). There were many fewer

instances in which the dispatcher served as the defense attorney's witness (M = 3.0, SD = 8.8). In

a more specific follow-up question, we asked participants how many times they had questioned a

dispatcher about their training in evidence collection during a criminal proceeding. Despite our

participants having, on average, 22 years of experience as a defense attorney, the mean was only

5.75 times (SD = 13.75). These findings seem to reveal that dispatchers are not frequently

challenged about their skills as evidence collectors during criminal proceedings.

911 Transcripts

Finally, we asked defense attorneys to provide us with a transcript of what they deemed

to be an average quality 911 eyewitness call based on their experience over their career.

Unfortunately, none of the attorneys who responded to our survey provided a transcript and thus

we were not able to analyze transcripts in the current study.

<div align="center">

Discussion

</div>

The primary purpose of this research was to examine defense attorneys' experiences with

and knowledge of what types of information are collected by dispatchers in 911 eyewitness calls.

Through defense attorneys' experiences, we attempted to gain insight into dispatcher practices,

as dispatchers are the first to interact with eyewitnesses following an incident and are thus

important "evidence collectors." To date, the only available research on this topic has been

conducted by surveying dispatchers (Dysart & Kassis, 2018; Kozsiollek, 2019).

Our results revealed both consistencies and inconsistencies between our participants and

dispatchers from Dysart and Kassis (2018). One area of strong agreement was the role of

dispatchers as evidence collectors, where four out of five participants in both samples endorsed

this concept. In addition, both groups agreed that law enforcement are responsible for obtaining

detailed descriptions from witnesses. However, when we asked about dispatcher accountability,

defense attorneys placed much *less* responsibility on this group than did dispatchers themselves.

This is interesting because if defense attorneys do not feel that dispatchers *should* be collecting

detailed perpetrator descriptions from callers, it could have an impact on their willingness to call

a dispatcher as a witness at a hearing or trial. In fact, our results demonstrated that defense

attorneys rarely engaged in this practice. We also observed significant differences between

defense attorneys and dispatchers when we asked about whether dispatchers ask detailed follow-

up questions about a perpetrator's appearance. In contrast to dispatchers who reported that they

often ask additional questions, defense attorneys rarely saw this behavior in their review of

transcripts, with the exception of asking a caller about the perpetrator's gender. Further,

dispatchers (Dysart & Kassis, 2018) reported that, more than half of the time, they "always" ask

the same questions to multiple callers from the same incident, whereas none of the defense

attorney participants reported that dispatchers always do this. These discrepancies in dispatcher

and defense attorney experiences should be explored in future research where actual call

transcripts are coded for the presence of follow-up description related questions.

We also asked defense attorneys to tell us whether dispatchers typically ask callers to

describe various estimator variables, such as intoxication, the quality of lighting conditions, and

opportunity to view the perpetrator. In our view, these would be simple yet important questions to ask a caller so that this information is not lost or distorted through time or co-witness contamination; yet, according to defense attorneys, dispatchers rarely ask about estimator variables or whether there were other witnesses at the scene. The latter finding is concerning as defense attorneys typically only learn about the presence of witnesses through police reports which may not be provided to attorneys for many months after the crime, when the 911 call has already been destroyed/deleted. If defense attorneys can secure a copy of the 911 transcript early in the case, they might refocus their investigation efforts on these witnesses. Further, co-witnesses are a likely source of memory contamination and thus, it is paramount that dispatchers tell callers not to discuss the incident with any of the other eyewitnesses. Unfortunately, based upon the results from the three 911 surveys reported herein, this simple request from dispatchers does not appear to take place very often.

The majority of defense attorneys (71.4%) reported encountering low quality transcripts throughout their career despite dispatchers' important role as evidence collectors (Dysart & Kassis, 2018; Kozsiollek, 2019). A related issue on this matter is that there was also a general absence of dispatchers being called to testify in criminal proceedings and defense attorneys rarely cross-examined dispatchers about their evidence collection training. These are important observations because others (Dysart & Kassis; Kozsiollek) have established the important role a dispatcher plays in documenting a witnesses' memory that ultimately may become evidence at trial. Despite this fact, defense attorneys do not regularly challenge this process. If replicated in future studies, these findings will have implications for attorneys across the country who may not have previously considered calling a dispatcher as a witness. The results would also be

appropriate to include in CLE programs where dispatcher training and practices could be added to the curriculum.

Another interesting finding was that defense attorneys did not ask about 911 calls in 100% of their cases. We had expected this number to be 100% and thus, a simple recommendation for defense attorneys would be to always request this information. However, even when they did ask for a copy of the call or transcript, it was not always available, often because the recording had already been destroyed. In summary, this important evidence in many cases does not appear to be routinely preserved, which means the criminal justice system is failing in its duty to preserve evidence, a constitutional requirement in the United States, which in turn, is a violation of the defendant's constitutional rights (Justia.com, 2019). Together, these findings are concerning because many cases that a defense attorney defends involve eyewitness evidence and therefore, they may be missing out – for all of the reasons above – on critical information that could affect the outcome of their client's case.

Limitations & Future Directions

The primary limitation of our study was the small sample size. Even though we had circulated our study request to the 300 defense attorney members of the NFC several times over a 9-month period, our response rate remained disappointingly low. Nevertheless, we obtained several interesting findings that allowed us to gain some insight to attorneys' perceptions and experiences with dispatchers. Our study was the first to examine this topic with defense attorneys and thus we believe that future research should attempt to replicate our study with a focus on acquiring a larger sample from a more varied defense attorney population (outside the NFC) to determine the reliability of our findings.

Further, our study was designed, in part, to obtain actual 911 transcripts in eyewitness calls so that we could assess several key questions about the quality of calls. For example, we were interested in looking at the presence of leading questions and witness contamination as well as the ability of defense attorneys to accurately evaluate the call they had provided us. In addition, a review of these transcripts would have enabled us to assess how often dispatchers ask follow-up questions of witnesses, whether they ask about various estimator variables, etc. Unfortunately, our participants did not provide any transcripts and so we were unable to conduct these analyses. Thus, we strongly encourage other researchers to continue with this work and attempt to obtain eyewitness call transcripts.

Future studies should also ask both dispatchers and defense attorneys to evaluate the same transcripts so that we can discover where their views differ about call quality and best practices. This will also allow researchers to ask attorneys to provide observations and commentary on specific calls and transcripts they have encountered, which will also be available to the researchers and enable them to draw conclusions on how accurate the attorneys' evaluations are. More importantly, it will enable researchers to explain why there are stark differences between dispatchers' reports and attorneys' experiences with dispatchers and 911 calls. Such a study could also focus on specific geographical areas and sizes and compare them for differences in attorney and dispatcher training.

Another future research direction is for researchers to examine hearing and trial transcripts where dispatchers have been called as a witness by either the prosecutor or the defense attorney. This is important to study because we may learn that challenging a dispatcher about potential errors made in the process of collecting memory could be beneficial to the defense and ultimately lead to improvements in dispatcher training and practice.

Finally, another extension of our study should focus on surveying law enforcement and prosecutors on their opinions and experiences regarding 911 calls. This research would reveal the quality of their training and understanding of the role dispatchers play as evidence collectors. It will also help assess whether their experiences with dispatchers are the same or different from those of defense attorneys, allowing researchers to uncover whether there may have been any self-reporting bias amongst dispatchers when they reported on their own practices in previous surveys (Dysart & Kassis, 2018; Kozsiollek, 2019).

Overall, our study's findings yielded additional information about dispatcher interviewing techniques and provided us with important information about the absence of specific perpetrator descriptions during emergency calls. The focus of this study was not dispatchers themselves, but defense attorneys' experiences with 911 calls and interactions with dispatchers during their career. Even though we were not able to assess actual dispatcher practices through the examination of transcripts, defense attorneys' reports of their experiences were useful in informing us about dispatcher actions. Our results highlight the importance of raising awareness among defense attorneys about dispatcher practices in the collection and preservation of evidence that we hope will increase the fairness of the criminal justice process for criminal defendants in this country.

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Appendix A

Email Request sent to NFC email list on behalf of the NFC Representative

Colleagues,

Dr. Jennifer Dysart, an eyewitness expert from John Jay College of Criminal Justice and past faculty member at the Forensic College, is conducting a research study on 911 transcripts in eyewitness cases. The purpose of this research is to examine the content and quality of 911 calls in cases where an eyewitness has called to report a crime. It is expected that the results will be published in an academic journal in a manuscript that will address the adequacy (or lack thereof) of 911 dispatcher practices used to gather information from eyewitness callers.

If you volunteer to participate in this study, you will be asked to provide researchers with three transcripts of 911 calls (from three different cases). Dr. Dysart is interested in comparing the types of questions and information gathered from eyewitnesses in calls that vary in "quality" defined in this study as the amount (number of questions) and type of information (e.g., description of perpetrator) a dispatcher asks a witness. In this study you will be asked to submit transcripts from one "high quality" call, one "moderate quality" and one "low quality" call. You will also be asked to answer a few questions about the case without revealing confidential information about your client. After you have assembled three appropriate transcripts, it is expected that the survey will take less 15 minutes to complete. Your results will be kept confidential.

If you are interested in participating and would like more information about the types of transcripts the researchers are interested in gathering, click on the survey link below, where additional information will be provided. To complete the short questionnaire and upload the three 911 transcripts, click the "Participate Now" link below. Please feel free to forward this email to colleagues who may have experience with eyewitness identification cases where a witness called 911 to report the crime.

Appendix B

Attorney Questionnaire

1. In general, what role do dispatchers play in criminal investigations? Please use the space

    below to provide your answer.

2. Do you believe a dispatcher plays a role as an evidence collector? (Yes/No)

3. In your opinion, whose responsibility is it to obtain a detailed description of a perpetrator

    from a witness to a crime? Select all that apply.(Law

    Enforcement/Dispatchers/Prosecutors/Defense Attorneys)

4. From your experience, how often are witnesses asked for a detailed description of a

    perpetrator by members of the following groups? (Law

    Enforcement/Dispatchers/Prosecutors/Defense Attorneys)

5. In your opinion, do the following groups receive sufficient training in how to accurately

    gather information from crime witnesses? (Law

    Enforcement/Dispatchers/Prosecutors/Defense Attorneys)

6. When a 911 caller describes an emergency situation that requires CPR, a list of prompts

    (a checklist) often assists a dispatcher in handling the call. The prompts help a dispatcher

    to accurately describe the steps of CPR and ask relevant questions. Similar to the CPR

    prompts described above, do you believe it would be helpful for 911 dispatchers to have

    prompts (checklists) for calls in which a witness is describing a crime and/or perpetrator?

    (Yes/No/Not Sure)

7. In your experience reviewing 911 calls, how often do the following things occur?

    a. When a witness calls 911 and reports a crime involving multiple perpetrators, dispatchers ask the caller to separately describe what each perpetrator looks like. (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    b. When multiple witnesses call in separately to 911 about the same incident, dispatchers try to gather as much information as possible from each caller. (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    c. When multiple witnesses call in separately to 911 about the same incident, dispatchers ask the same questions for each caller. (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

8. In your experience, if an eyewitness 911 caller initially provides no description or a limited description of a perpetrator, how often do dispatchers ask the witness to provide information about the specific characteristics below?

    a. Gender (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    b. Height (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    c. Weight/Build (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    d. Clothing (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    e. Hair Color (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    f. Hair Length/Style (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    g. Noticeable Accent (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    h. Distinct Features (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    i. Reminds the Witness of Someone (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

9. From your experience reviewing 911 calls, indicate how often dispatchers obtain the following information from eyewitness callers.

    a. Whether caller is under influence of alcohol or drugs. (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

b. Whether there are other witnesses to the event. (Always/Very

Often/Sometimes/Rarely/Never/Not Sure)

c. How far away the caller was from the perpetrator. (Always/Very

Often/Sometimes/Rarely/Never/Not Sure)

d. Whether the caller had a good look of the perpetrator. (Always/Very

Often/Sometimes/Rarely/Never/Not Sure)

e. Whether the caller noticed anything unusual about perpetrator. (Always/Very

Often/Sometimes/Rarely/Never/Not Sure)

f. Whether the lighting conditions were good/fair/poor. (Always/Very

Often/Sometimes/Rarely/Never/Not Sure)

g. Whether the caller knows or is familiar with the perpetrator. (Always/Very

Often/Sometimes/Rarely/Never/Not Sure)

10. Have you ever attended CLE training where eyewitness identification was a topic?

(Yes/No/Don't Recall)

11. Have you ever attended a CLE training where the subject of 911 dispatchers' training - as

an "evidence collector" - was covered? (Yes/No/Don't Recall)

12. How many times have you been involved in a criminal case where a dispatcher testified?

13. Approximately how many times in a criminal proceeding have you questioned a

dispatcher on their training in evidence collection?

14. Approximately how many 911 transcripts in total have you reviewed over your career as

an attorney?

15. Approximately how many 911 transcripts involving an eyewitness caller have you

reviewed over your career as an attorney?

16. How would you characterize the 911 calls that you have you reviewed over your career as a defense attorney?

    a. The majority of 911 eyewitness calls I have reviewed are of high quality, where the dispatcher asked detailed, non- leading questions of the caller. (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

    b. In the majority of 911 eyewitness calls I have reviewed, witnesses are asked for a detailed description of the perpetrator. (Always/Very Often/Sometimes/Rarely/Never/Not Sure)

17. In cases you have defended, what percentage of the time did you inquire as to whether a call was made to 911?

18. When it was confirmed that a call was made to 911 in a case you were defending, what percentage of the time did you request a copy of the 911 call (recording or transcript)?

19. From all your requests for a copy of a 911 call in a case you were defending, what percentage of the time did you actually receive a copy?

20. Conversely, from all your requests for a copy of a 911 call in a case you were defending, what percentage of the time were you informed that a copy was not available?

21. If applicable, please share with us some of the reasons you have been given as to why a copy of a 911 call you requested was not available.

22. Please upload the transcript here.

23. How would you rate the transcript you uploaded in terms of quality (amount information gathered, techniques used, etc.)? (Extremely Low Quality/Low Quality/Average/Moderate Quality/High Quality/Extremely High Quality)

24. Besides the caller, how many additional witnesses were there at the scene of the crime in

this case? (0/1/2/3/4/5/6/7/8/9/10/ More than 10 witnesses/ Unknown).

25. Was the caller from the transcript you selected asked to do any of the following in

relation to this case? (Select all that apply)

    a. Provide a more detailed description of the perpetrator(s) to law enforcement after

       the 911 call.

    b. View a show-up with your client as the suspect.

    c. Create a sketch/composite of the perpetrator(s).

    d. View mugbooks to find the perpetrator(s).

    e. View a photo array with your client as the suspect.

    f. View a physical lineup with your client as the suspect.

    g. Testify at a preliminary hearing.

    h. Testify at trial.

    i. Make an in-court identification of your client.

    j. None of the above.

    k. Other (please specify).

26. What were the ultimate charges against your client in this case?

27. To the best of your knowledge, was the dispatcher in this transcript called as a witness in

any of the following proceedings? (Select all that apply)

    a. Pre-Trial Hearing

    b. Trial

    c. Post-Conviction Hearing

    d. None of the Above

28. In what city and state was this call placed?

29. What was your involvement in the case? (Check all that apply)

     a. Pre- Trial

     b. Trial

     c. Appeal

     d. Civil

30. Are you: (Male/Female/Prefer Not to Say)

31. What is your age?

32. Are you currently a practicing attorney? (Yes/No)

33. How many years have you practiced as a defense attorney?

34. Which state(s) or jurisdiction(s) do you or have you practiced in? (Drop-Down Menu)

35. Have you ever worked as a dispatcher? (Yes/No)

Appendix C

Consent Form

Dear Research Participant,

Thank you for taking the time to consider participating in this important research on 911 dispatcher transcripts. You have received a link to this survey because you are or were a defense attorney practicing in the United States. If you have never been a defense attorney, we apologize for any inconvenience and thank you for your time.

The purpose of this research study is to assess the content and quality of 911 calls in eyewitness identification cases. The results of the survey will be distributed nationally to assist defense attorneys when preparing to defend a case that involves a call to 911 by an eyewitness to a crime.

If you volunteer to participate in this research study, we will ask you to select three transcripts from cases that you have worked on. We would prefer to have transcripts from cases that are relatively current (in time) so that we can make assessments of what 911 Dispatchers are likely doing today with respect to asking questions of eyewitness callers. We will also ask you to answer a few questions about the cases as well as a few demographic questions. After you have selected the three transcripts, we expect the survey to take approximately 15 minutes to complete. Finally, your responses will be kept confidential.

Risks and Benefits:
If you feel any discomfort as a result of answering the questions in this survey, you can withdraw your participation at anytime without any penalty or punishment. If you decide at any point in time during the study that you wish to withdraw, you may click the "Withdraw" button on the screen. The screen will ask whether you want to leave an incomplete survey or discard all answers. Just choose one choice and the screen will allow you to withdraw from the survey. Although you may not directly benefit from your participation in this research study, we hope that other defense attorneys will benefit. Based on the possible publication of the results of this study, defense attorneys may be able to utilize the findings to aid in their defense of eyewitness cases.

Compensation for participation:
Although you will not be paid for participation, we are providing a lottery and will randomly choose three participants to receive a $75 Visa gift card. Entry into the lottery is optional and is only open for those who complete the survey.

New Information:
As required by ethics regulations, you will be notified about any new information regarding this study that may affect your willingness to participate.

* 1. To consent to participate in this survey, please select "Yes" below.
○ Yes, I agree to participate

Appendix D

Debriefing

This study is concerned with assessing dispatchers' interaction with eyewitnesses, and determining the quality of the call based on a detailed description of a perpetrator, and the presence of suggestive questions. This study also concerned attorneys' experience with transcripts varying in quality, and dispatchers' role in a case. Past research has focused on law enforcement personnel, experts, jurors, judges, and attorneys, and dispatchers reported interactions during calls, however, actual interactions between dispatchers and eyewitnesses during emergency calls, have not been assessed.

How was this tested?
In this study, you were asked to complete an electronic survey to the best of your ability. The survey consisted of knowledge questions, and questions aimed at identifying your perception of transcripts you have encountered throughout your career, your training in the issue of eyewitness identification and the role of dispatchers and your experience with dispatchers presence in court. The survey was made up of both closed-ended multiple-choice questions and open-ended questions.

Aims:
The current study is aimed at understanding how dispatchers obtain information from witnesses and what types of questions are asked. Additionally, I would like to understand the role of dispatchers in cases, as experienced by the attorneys, throughout their careers.

Why is this important to study?
Persons employed as 911 dispatchers are often the first person of contact after an individual is in an accident, needs emergency assistance, or witnesses a crime. Language has a powerful impact on memory; therefore, dispatcher training should be standardized to include the ability to gather accurate and unbiased information. In an emergency involving a crime, a dispatcher can play an important role in assisting the investigative process and collecting evidence, such as an eyewitness' description of a suspect. The fact that dispatchers play a vital role in the investigative process especially when a crime has been committed, is unquestionable in current research. Published research does not examine how dispatchers ask questions so the witness presenting information is not lead into revealing "facts" or drawing conclusions based on questions asked by the dispatcher. The current study aims to better understand actual interactions between dispatchers' and eyewitnesses by considering the influence of language on accuracy of memory and how training should include methods for questioning 911 callers to report accidents or crimes.

What if I want to know more?
If you are interested in learning more about the different ways language may influence memory, you may want to review:

Loftus, E. F., & Palmer, J. C. (1974). Reconstruction of automobile destruction: An example of the interaction between language and memory. Journal of Verbal Learning and Verbal Behavior,

13, 585-589. http://dx.doi.org.ez.lib.jjay.cuny.edu/10.1016/S0022-5371(74)80011-3

If you have concerns about your rights as a participant in this survey, please contact the CUNY Research Compliance Administrator at (646) 664-8918.

If you have questions or concerns about the current study please contact Elena Christofi or Dr. Jennifer Dysart at elena.christofi@jjay.cuny.edu or jdysart@jjay.cuny.edu.

Thank you again for your participation.