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Criminal Law Implications of Recent Memory Reliability Study

The successes and failures of human memory as a reliable source of information have great impacts on the criminal justice system. When prosecution or [criminal defense](#) teams ask any given witness or defendant about events that may or may not have occurred in the past, the recollections given can either help to convict or acquit an accused person. Reliable memory can be an invaluable tool in ensuring that justice is done. Unreliable memory can lead to wrongful convictions and other terrible consequences.

It is therefore critical that the criminal justice system as a whole has a firm sense of just how reliable or unreliable human memory is generally and under specific circumstances. One recent study conducted by experts at the Massachusetts Institute of Technology (MIT) indicates that the reliability of human memory may be far more fallible than the public has been led to believe.

In particular, MIT researchers sought to recreate the process by which memory becomes unreliable due to false belief taking hold within the mind generally. There are a myriad of reasons why memory can be unreliable. But perhaps the most dangerous form of unreliable memory from a criminal justice standpoint is the kind of unreliable memory that emerges from a firmly held yet false belief rooted in an essentially malfunctioned memory.

These unreliable memories and subsequent false beliefs are not always created with ill intentions by those who hold them. However, they can be dangerous in life-changing ways regardless if they are used against accused persons in a court of law. As a result, it is critical for accused persons to seek the counsel of experienced criminal defense attorneys when facing criminal charges. One never knows what unreliable memories may need to be refuted during the criminal defense process.

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