

Psychological aspects of evidence evaluation: Abstract

The diploma thesis focuses on the topic of judging and decision-making within the process of evidence evaluation. Its main goal is to identify and describe cognitive illusions which can have a negative impact on the process of evidence evaluation. The mutual position of psychology and law is also considered within introductory chapters.

The decision making of the judges is initially described by theoretical models. Three cognitive illusions that are essential for evidence evaluation are described in the following chapter. It is anchoring heuristic, hindsight bias and confirmation bias. Eventually risks, which these cognitive illusions represent for evidence evaluation, are described and forms of countermeasures are discussed.

One chapter of the thesis is devoted to the description of ego depletion, which could pose another limit for the process of evidence evaluation. Ego depletion describes decline of self-control in cases which demand conscious effort. The judges are probably in a risk of ego depletion. This phenomenon can lead to higher vulnerability towards cognitive illusions and stronger tendency to maintain status quo.

Possible countermeasures are described and discussed on one hand against anchoring, hindsight and confirmation bias and on the other against psychological contamination in evidence evaluation in general. Unfortunately, it seems that it is nearly impossible to completely remedy the impact of cognitive illusions. Thus, it might be more effective to prevent psychological contamination by means of blinding or divided decision-making. It is also important to educate judges, state representatives (procurators) and police about relevant psychological disciplines.

Preponderance of evidence suggest that judges are in most cases just as vulnerable to cognitive illusions as normal population. Judges also suffer from the cognitive blind spot bias, which prevents them from being aware of their own vulnerability towards cognitive illusions. The levels of certainty they hold towards their decisions, thus, might be compromised.

Key words

Law decision-making, cognitive illusions, anchoring heuristic, hindsight bias, confirmation bias, ego depletion