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## The Social/Demographic Dimensions of Misidentification: Implications for Law and Social Work

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and Babafemi Elufiede, Ph.D.

***Abstract.** Being mistaken for someone else can get us into dire circumstances, even convicted by law and executed. A review of literature of the popular press indicates that people being mistaken for others either appearance-wise, name-wise, or both is quite a common phenomenon. Little has been done in the academic community to study the incidences or demographics of its occurrence. Psychologists have, though, attempted to unravel the myriad of factors that go into the human identification process. However, little to nothing has been written on the social affects of mistaken identity. This paper addresses the social dimension rather than the psychological. Students in social science classes in two southern colleges in the United States – one predominately white and the other black – were surveyed about how often, if ever, they had been mistaken for someone else and in what ways. The present study focuses on the occurrences and consequences, both good and bad, of mistaken identity.*

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### Introduction

This paper is concerned with the theoretical question of whether some of us in society are more likely to be misidentified as being someone other than who we are. False information about who we are that comes from the community through misidentification, may have a lasting influence on our self-identity and how we personally evaluate our self-worth. In short, when our reputation in the community is altered, it may change our self-perception for better or worse. Due to a less complex network of relationships in rural communities, this exploratory research focuses on the rural environment. The rural side of the rural/urban continuum will lay the foundation for further and more complex studies in the urban arena in the future.

### Review of Literature

How common is it for a person to be mistaken for someone else because of appearance, gesture, gait, size, hairstyle, or name? If we are to believe soap opera drama as reflecting daily reality, the phenomenon is quite common. Moreover, both British and American literature abounds with entangled relationships caused by the confusion or the opportunistic bends of look-alikes; as either Mark Twain's *The Prince and The Pauper* or Shakespeare's *Comedy of Errors* exemplifies.

Out of the more than 5 billion people who inhabit our planet, *Parade's* columnist, Marilyn Vos Savant believes – but without citing scientific proof – “that for every adult person, there is a very close look-alike somewhere in the world at least close enough to fool those who don't know you well” (*Parade*, August 13, 1995). A recent rural survey by Miller, Marson and Elufiede (1993) revealed that 96 percent of the sample had experiences of misidentification. Even though mistakes in identity seem to be rather commonplace in life, there is little information about the phenomenon in professional journals. It is almost as if mistakes of this nature do not occur. But those of us that have been mistaken for others know better. Some of us may never be the same again.

Because of the lack of scholarly research on this topic we began with the popular literature. In the process of regular, though nonsystematic reading of magazines, newspapers, and watching television, the following selected cases of look-alikes have been extracted from the “pop” media in the U.S.A.

- Perhaps the best example of mistaken identity ever recorded is the case of Andrew Philip Cunanan where literally hundreds of persons thought they had recognized Cunanan in states across the United States. Cunanan, of course, at the time was hiding in Miami (*America's Most Wanted*, July 26, 1997).
- When Peter Von Elswyck a University of South Carolina freshman stepped into Rupp Arena, he was told over and over again how much he looked like John Pelphrey, a former Kentucky basketball star (*State*, January 26, 1994).
- Jack Anderson, the renowned news columnist believes that Howard Hughes' people were controlling Hughes' empire through a double, who had no hearing difficulty, as Hughes did after his 1946 hearing loss, due to a plane crash (*A & E*, September 22, 1995).
- Both Saddam Hussain and his son Oday have doubles who take their places when discretionary occasions or contingency conditions are called for in Iraq (*60 Minutes*, September 18, 1995).
- Priscilla Presley is informed that she is not Priscilla by a Swedish double who says she is (*Extra*, August 14, 1995).
- Viewers did a double take when Dan Tannelbaun appeared as Jerry Seinfeld (*Extra*, January 9, 1996).

- Despite a striking resemblance, especially when they were younger, Michael J. Fox and Doug McKeon are two different actors (*T. V. Week*, November 12-18, 1995).
- Guenter Dittrick, not Jack Bailey, was the person in a photo believed to be that of Bailey in an article titled "Exposing a P.O.W. Hoax," (*Readers' Digest*, December, 1993).
- A Maryland woman who was raped and beaten identified her attacker as a man with whom she had recently broken up. While in prison awaiting trial, the accused man ran into a former boyfriend of the victim's roommate who bore an uncanny resemblance to him. DNA tests proved the suspect was not the rapist. It was his look-alike who was ultimately convicted (*Readers' Digest*, July, 1995).
- All five witnesses were wrong in accusing a suspect, Alex Harris, of killing a child who was abducted when the parents were gambling. The murder case was built around eye witnesses who were interrogated. All witnesses were allowed to interact with each other during questioning which biased their perceptions of the events (*Eye to Eye*, August 17, 1995).
- Beverly Evans, a Christian fundamentalist, was startled to see her name in the local newspaper as someone who talks to her three daughters about having children out-of-wedlock. She still worries that people will think she is the mother in the article (*Charlotte Observer*, 1996).
- It is common for Taylor Michaels (a syndicated Hollywood columnist) to receive questions that confuse the identity of two well-known actors (see

*Charlotte Observer - TV Week*, January 21-27, 1996 page 2, and February 11-17, 1996 page 2). William O'Leary (from *Home Improvement*) and D.B. Sweeney (from *Strange Luck*) are confused as well as Blair Underwood (*L.A. Law*) and Don Franklin (*Sea Quest 2032*).

Possibly the most widely known case of look-alikes in history is inextricably connected with the Federal Bureau of Investigation (FBI), which is widely believed to have introduced fingerprinting because two persons were so remarkably alike. It happened at the beginning of the twentieth century at Fort Leavenworth Penitentiary. Two prisoners were virtually the same height, weight, had about the same cephalic measurements (Bertillion System), and so forth. They were both black and even had names that were almost identical – Will and William West. They did differ in one significant regard, however. One had many more years to serve than the other, due to the seriousness of his crime.

Astoundingly, the Will and William West case is even illustrative of a compounding factor in mistaken identification – name "sameness." Instances of one person being mistaken for another due to having the same first and last name occur quite often in the popular press. For example, a Thomas L. Crooks, Jr. from Pomaria, SC who was running for political office in June 1994 was very concerned about another Thomas L. Crooks who was implicated in a phone harassment case (*State*, June 26, 1994). Or consider this: bachelor Kevin Moore spent nearly \$1,000 trying to extricate himself from a legal action caused by a woman he never knew, much less married, who listed him as her former husband. He was subpoenaed to open his bank records to Ann Moore and bank officials *had* to honor it. Subsequently, Kevin had to protect his account by hiring a lawyer. Physical size had nothing to do with the case. Kevin Collin Moore, the bachelor, is 34, stands 6 feet 5 inches and weighs 230 pounds, whereas Kevin (no middle name) Moore is 45, 5 feet 11 inches tall and weighs 165

pounds. Ann Moore believes the house that bachelor Moore owns is really owned by her ex-husband and she is entitled to half of it. Yet, Kevin Collin Moore, the bachelor, has mortgage papers showing that he has sole ownership of the property which he purchased from his sister in 1986 (*State*, September 4, 1995).

Name-sameness misidentification will become more problematic with the advent of the massive use of the Internet. For example, Rothfeder (1995) notes the situation of James Russell Wiggins who was mistaken for A. J. Wiggins and convicted of cocaine possession. James Russell Wiggins was fired six weeks into his new job on the assumption that he was the convicted felon. Rothfeder notes that we can expect to see a significant increase of name-sameness misidentifications whenever a new name is made accessible to an online service. The chances of name-sameness misidentification increases partly because of the Internet. Name misidentifications (misnomers) and person misidentifications are so common in the legal arena that the Illinois Code of Civil Procedure was enacted to cure pleading errors regarding the naming of defendants after the expiration of the statutes of limitations (Kaplan & Craft, 1993). Clearly, such legislation must be expanded to all other jurisdictions.

The bulk of academic research that has been done on identification/mistaken identification of humans has come from psychology. Pioneering this effort is Elizabeth Lotus, Ph.D. Titles of revelatory research papers in psychology include: "Routes Through Face Recognition System," Hay, et al 1991; "Cognitive Intervention to Improve Face-Name Recall," Gratinzer, et al 1990; "Who Is Memorable to Whom?" Rodin, 1987, "Putting Name to Faces," McWieny et al 1987; "Incidental and Deliberate Memory for Words and Faces After Focal Cerebral Lesions," Vilkki, 1987; "Estimating the Effects of Various Clustering Schemes on Recall Order," Robertson and Ellis 1987. These titles only hint at the scope of psychological research that has been completed in the area of misidentification. However, the studies are of little value for demographic and/or sociological insights into human misidentification.

Coevally, Sporer, Malpass and Koehnker (1996) provide outstanding insights when coordinating research on psychological issues in eyewitness identification. They present many cogent research findings of others in their edited book while explicating new ways of looking at the traditional legal approach to eyewitness identification. However, their studies are of little value for demographic and/or person-in-environment insights into human misidentification.

The mass of variables involved in human identification are evident when assessing the work of Ardila (1993). Ardila, using current neurological and neuropsychological literature, has focused on how individuals recognize living things v. nonliving things; one's own species versus other species; the familiar versus nonfamiliar; males versus females; and individual identification versus emotional identification. Ardila believes that not only visual, but also auditory and even olfactory information may be involved in people recognition. Visual information, he proposes, not only includes the perception of faces but also the perception of whole body, gait, clothes, emotional expressions and individual marks. Finally, Ardila concludes, in cases of brain damage, sometimes one category of information can be preserved while others are impaired. Despite the considerable complexity of variables surrounding the question of human identification in the last 20 years, findings about eyewitness identification have so accumulated that Wells (1992) believes that we need to summarize the pertinent research about identification procedures such as police lineups and show-ups so that we minimize identification mistakes (cited by Loftus, 1993).

Given the extent and variety of the work that has been done in psychology about identification/misidentification, it is surprising that almost nothing has been completed from a sociological perspective to uncover the frequency of routine mistaken identifications. In addition, we have little knowledge of the significant social consequences. The present study addresses these issues.

### The Sample

In the Fall of 1995 a class of adult students who attended Barber-Scotia College were surveyed (n=44) about mistaken identity. That same semester students attending three sociology classes at the University of North Carolina at Pembroke were also surveyed (n=70). Although the University of North Carolina at Pembroke is predominately white, it is a tri-racial campus composed also of Blacks and Native-Americans. Both institutions are located in rural environments and attract students mainly from rural areas.

### The Analysis

Neither race nor sex in misidentification proved to be statistically significant, fully 81 percent had been mistaken for someone else at least once in their lifetime, disallowing the rejecting of the null hypothesis. A category of subjects labeled Low For Mistakes (LFM) was operationally defined as persons mistaken for others four times or less. The category High For Mistakes (HFM) was operationally defined as subjects mistaken for others five or more times. Of those who have experienced mistaken identity, 52 percent of them have been mistaken for someone else five or more times (HFM), while 48 percent are mistaken for others less than five times (LFM).

Upon being asked whom subjects were mistaken for, 50 percent said they were mistaken for relatives. Sisters were six times more likely to be mistaken for each other than were brothers. Almost one-seventh of 14 percent of the daughters were mistaken for their mothers, while sons were mistaken for their fathers about one-third of the time. Fifty percent (50%) of the respondents in the sample had been mistaken for a stranger. The most startling data indicate that individuals are just as likely to be mistaken by family members as they are by strangers.

When the question was asked, "Were you mistaken because of physical features?" Twenty-four percent (24%) were mistaken because of hairstyles, while 15 percent were mistaken because of height, and 14

percent because of weight. Although 17 percent of the respondents had been mistaken for a person of the opposite sex, 13 percent had been mistaken for others because of the clothing they were wearing. Of those who responded with a specified "other" answer 97 percent indicated they were mistaken because of general facial features [See Table II].

When respondents were asked if they were mistaken for others because of names, 19 percent were, because of walk 15 percent said yes, by talking or voice 30 percent said yes, while 23 percent were mistaken for others due to "other" behavior they elicited. Over one in four were mistaken for others in undisclosed ways [See Table III].

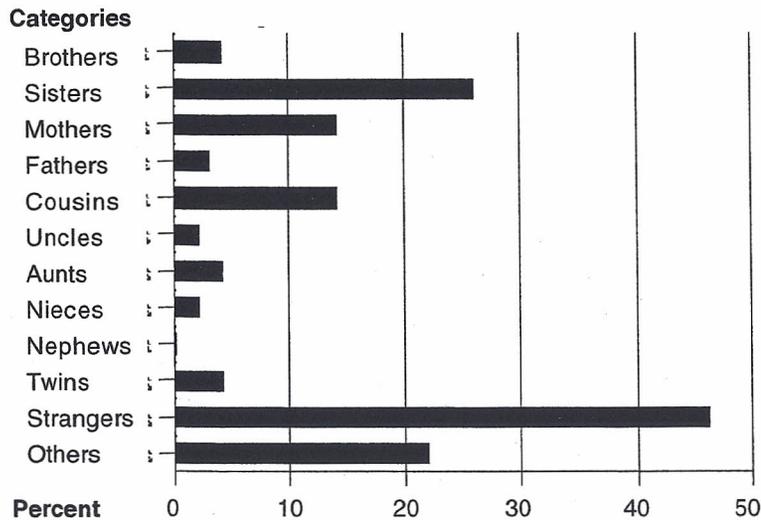
The type of transportation one is riding is important in misidentification. Of those who indicated that they had been mistaken because of transportation, nine out of 10 (91 percent) were mistaken for others while they were riding in automobiles, 12 percent were mistaken for others when they were in jeeps, 11 percent were mistaken for others while in trucks. Overlaps occurred when some subjects were misidentified in more than one mode of transportation [See Table IV].

Three subjects indicated that misidentification was "life-threatening." In both present and past research (Miller, Marson & Elufiede, 1993), the authors identify separate incidences of life threatening experiences by hand gun. In both cases, the men survived bullets. One was wounded while the other was not. In these two separate studies, several common threads exist:

- a) the misidentified men were black;
- b) the men who were responsible for the misidentifications were also black;
- c) the situations occurred in the rural environment which tends to have consistently less violence than urban areas.

Most interesting is that fact that the stories were virtually identical, but came from completely different non-probability samples. Clearly we would learn a great deal more about misidentification if we could employ

**Table I**  
**For Whom I Have Been Mistaken**



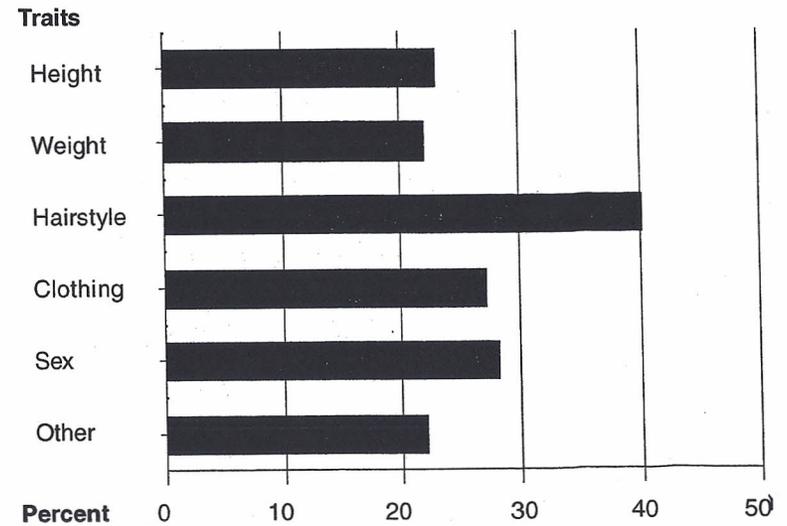
a national or international probability sample. Both common sense and survey data indicate that misidentification can lead to serious consequences.

**Limitations**

Limitations of this study follow:

- 1) The researchers estimate that over 90 percent of the sample came from rural circumstances which negatively influence the number of persons for whom they can be mistaken. Thus, the findings in this study put a conservative bias on such occurrences. The young age of subjects probably does also.

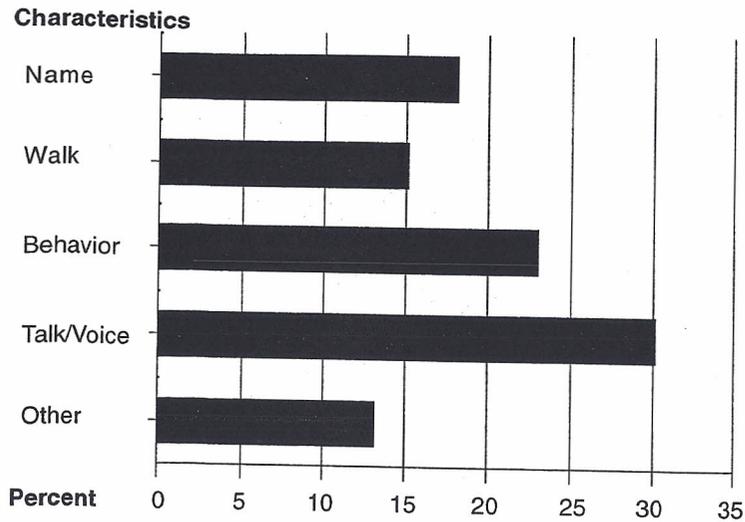
**Table II**  
**Mistakes in Physical Traits**



- 2) With the massive use of computerized databases, we believe that the occurrence of mistaken identity is underestimated. As an afterthought, the results of this research would have been much more powerful, if we included misnomer identification. Research in this area needs to be addressed.
- 3) The sample is somewhat problematic. First, it was not random and is best described as a sample of convenience. However, this approach is very

**Table III**

**Mistaken Identity Characteristics**

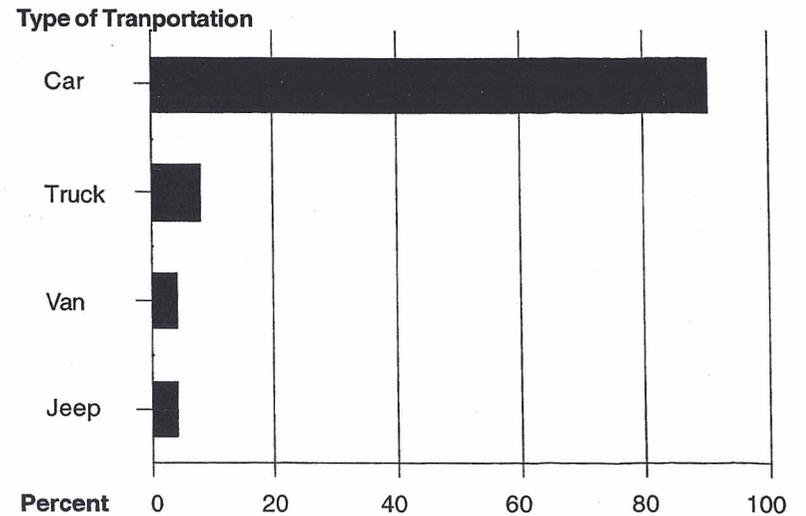


common among exploratory studies. A national or international random sample should be taken in the future. Second, the size of the sample was small (n=114) and should be significantly increased for further study.

- 4) Life-threatening experiences should be a major concern. These experiences were not explained by the subjects to offer adequate insights. This must be addressed in future research.

**Table IV**

**Mistaken by Mode of Transportation**



**Conclusions**

Many things can happen when we are mistaken for others. The outcomes can be pleasant. We can use them as ways to get acquainted with others. Conversely, misidentification can be life-threatening. We are placed in jeopardy. How much jeopardy or danger could well depend on the amount we are perceived to be like the person for whom we are mistaken.

The life-threatening consequences of mistaken identity are well documented in both national and international news. Internationally, Demjanjuk was not "Ivan the Terrible" – a man responsible for thousands of Jews being exterminated during the Second World War. Many former

concentration camp internees have testified that he is "Ivan the Terrible." Many will believe it until their dying day. In another less publicized situation in the United States, Neville Lee was mistaken for a rapist. While in prison, his life was nearly ended by other prisoners because of his conviction for rape. In the end, DNA evidence exonerated him (Barwick, 1991).

Our data suggests that mistaken identity is a quite common phenomenon, crossing both racial and gender lines. Few are immune from its occurrence. One physical characteristic does not seem to be any more important than another in highlighting its happening. Clearly mistaken identity is much more complex than we initially hypothesized.

### Implications

In post industrial societies – where rational planning and goal setting, along with official positions of authority and power predominate – formalized institutions become more and more important for societies themselves to function. This is especially true given the informational revolution that the modern world is experiencing. With this increasing formalization of institutions and agencies, the legal system takes on more and more significance in molding, controlling, and changing our lives.

Information that can have a lifelong, freedom-threatening or even life-taking impact on our lives is, in the main, acquired by the legal system through officers of the judicial systems, usually officers of the court. Two officers of the court who have a profound influence on the final judgments of the court are social workers and lawyers. This is so because these officers are often the eyes and ears that help, *ipso facto*, shape the judge's perception concerning each case.

Two general areas of faulty information that officers of the court may use as "validated" information which they submit to judges are those of misinformation and those of misidentification. Misinformation or reputational error usually comes about by assuming that a putative perpetrator of an illegal act is guilty because of the company he keeps, rather than because of what he has done in the past. Misidentification, on the

other hand, comes about when one person is mistaken for another due to physical appearance, name similarity or sameness, and so on. Once a decision of guilt is reached by the court, it is very nearly impossible to neutralize the effects of the judgment even if it is eventually overturned. How often do identity mistakes occur with social workers and other officers of the court? Without a national probability sample that is focused on the law and social work, this question remains unanswered. This is so despite provocative "guesstimations."

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## Influences on Decision Making in Child Welfare

Mary Banach, D.S.W., A.C.S.W.

**Abstract.** *Influences on the decision-making process of professionals involved in Family Court cases who are faced with deciding where a child should live, based on the standard of the best interests of a child are delineated through this exploratory study. The best interests of the child is used regularly to justify decisions made in regard to children both in divorce custody cases and foster care. Actual variables related to specific case data are utilized by professionals in deciding where a child should live. Extraneous variables to case data may, however, influence professional decision-making. This article describes those influences and strategies to mitigate influences having a deleterious effect on decisions affecting children's lives.*

*The study uses a qualitative design based on the Critical Incident Technique developed by John Flanagan (1954). Recorded interviews were conducted with all respondents using a semi-structured format in which they were asked to delineate the factors they relied on to make a decision in a case in which they were involved. Analysis of the data depicted factors related to the cases and influences on the decision making process itself. Respondents (N=50) included attorneys, caseworkers, and judges in six different sites around New York State.*

*Results indicate that there are seven broad categories of influence on professionals as they make decisions using the best interests standard: the law; role of the decision-maker; the decision-maker's beliefs and ideology; the decision-maker's experience; the decision-maker's training; system constraints; and public relations. Each of these categories is described with illustrations from the participants.*

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