When Witness Statements Conflict

Executive Summary

Two witnesses can describe the same event differently without either one intentionally lying. People observe from different positions. They focus on different details. Memory fades.

This Authority Publication examines the issue from the perspective of an independent military defense investigation. The objective is to help counsel and investigators distinguish what the available evidence can establish from what remains assumption, inference, or unresolved question.

Why This Article Exists

DI-068 was developed because when witness statements conflict is an issue that can materially affect how evidence is understood. Investigative files often contain conclusions before the underlying source, context, timing, or limitation has been fully tested. A defense investigation should identify the factual question, locate independent sources capable of answering it, and document both favorable and unfavorable results.

The purpose is not to create an alternative story merely because the defense needs one. The purpose is to test the existing story against reliable facts and to identify investigative work that remains unfinished.

The Fundamental Difference

Conflict means two accounts cannot both be correct on a particular point. Deception requires evidence that a person knowingly gave false information. Investigators should not confuse the two.

That distinction matters because a persuasive narrative can still contain unsupported assumptions. The investigator should be able to identify the source for each material proposition and explain what the evidence proves, what it suggests, and what it cannot establish.

Discussion

Preserve Independent Accounts

Obtain each witness's version before disclosing what others have said whenever possible.

Define the Exact Conflict

Separate major contradictions from ordinary differences in wording, sequence, estimates, or peripheral details.

Find Independent Anchors

Use records, photographs, video, access data, phone activity, and neutral witnesses to test the disputed points.

Compare Prior Statements

Determine when a detail first appeared, whether it changed, and what information the witness encountered between statements.

Report Unresolved Differences

Some conflicts cannot be resolved. Documenting uncertainty is more professional than selecting a preferred witness without a factual basis.

Putting the Evidence Together

Stress affects perception. Later conversations can influence recollection. One person may remember sequence accurately but misjudge time, while another remembers a specific statement but not what happened immediately before it. The investigator's job is not to conduct a popularity contest.

Practical Case Example

Conflicting witness accounts across criminal and military investigations provides a practical illustration of the investigative principle addressed in this publication. The case material is used here to demonstrate investigative method rather than to offer a legal conclusion or suggest that every case will develop in the same way.

Cases involving multiple witnesses in We Find Answers required comparison rather than assumption. The investigator's value comes from identifying why accounts differ and which parts can be independently corroborated.

Investigative Lesson

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The broader lesson is to resist shortcuts. Identify the proposition being tested, trace it to the best available source, seek independent corroboration, and preserve uncertainty when the evidence does not permit a definitive answer.

Source

Michael J. West, We Find Answers: True Tales of a Real Private Investigator.

From the Investigator's Desk

Experienced investigators learn that the most important question is often not whether a fact sounds reasonable, but how we know it. The defense investigator should be prepared to go behind summaries, test assumptions, revisit witnesses when new information develops, and explain the limitations of the available evidence. That discipline protects the credibility of the investigation and gives counsel a factual record that can withstand scrutiny.

Investigator's Guidance

- Preserve Independent Accounts: Obtain each witness's version before disclosing what others have said whenever possible.
- Define the Exact Conflict: Separate major contradictions from ordinary differences in wording, sequence, estimates, or peripheral details.
- Find Independent Anchors: Use records, photographs, video, access data, phone activity, and neutral witnesses to test the disputed points.
- Compare Prior Statements: Determine when a detail first appeared, whether it changed, and what information the witness encountered between statements.
- Report Unresolved Differences: Some conflicts cannot be resolved.
- Document the source of every material fact and distinguish firsthand evidence from repetition or inference.
- Report information that weakens the working defense theory as carefully as information that supports it.

Bottom Line

A contradiction is a question to investigate, not automatic proof that one witness is lying.

A strong military defense investigation is not measured by how many facts it collects, but by how reliably those facts are sourced, tested, compared, and explained. The objective is a record that helps counsel understand what happened, what may have happened, and what the evidence cannot honestly resolve.

KEY POINT

A contradiction is a question to investigate, not automatic proof that one witness is lying.

Important Information

This Authority Publication is provided for educational and informational purposes and is intended to help readers better understand military defense investigations and the investigative process. It is based upon professional investigative experience and provides practical investigative insight rather than legal advice.

Every military case is unique. Investigative strategies, factual issues, and legal considerations applicable to one case may not apply to another. Readers should consult a qualified attorney regarding legal rights, legal strategy, and decisions involving individual circumstances.

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