E6 Eyewitness Identification: Recent Developments in the Science and Policies

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The goal of this presentation is to educate the audience about the issues surrounding the science of eyewitness.

This presentation will impact the forensic science community by familiarizing attendees with the current issues surrounding the science of eyewitness.

The presenter is the director of the ground-breaking Illinois field study on eyewitness identification, the first field study to examine eyewitness identification procedures in hundreds of lineups involving real crimes, real victims, real witnesses, and real suspects. The Illinois pilot program, a year- long study of both photo and live lineup procedures from three different law enforcement agencies, grew out of recommendations made to address wrongful convictions. The Illinois study is the first field study to collect data on recommended reforms, the first field study to concurrently collect data for comparative purposes on traditional lineups and the first field study to offer a comparative analysis. Two nationally-renowned experts analyzed the data independently.

The acceptance of DNA evidence by the judiciary revolutionized the criminal justice system, allowing police and prosecutors to determine with certainty the guilt or innocence of suspects in crimes where the offender left behind probative biological evidence, such as those involving sexual assault. The acceptance of DNA also opened the door to exoneration for the innocent who had been wrongfully convicted prior to the availability of DNA. The first wave of these DNA exonerations shook the faith in and foundations of the criminal justice system, leaving law makers, lawyers and law enforcement to search for answers as to what had gone awry and to seek safeguards to prevent such miscarriages of justice in the future. In attempting to learn lessons from these DNA exonerations, mistaken eyewitness identification emerged as one of the most common contributing factors to wrongful convictions.

Since the role of mistaken eyewitness identifications in wrongful convictions came to light, the way in which eyewitness identification is obtained by law enforcement has been called into question. Some answers have been offered by experimental research studies of eyewitness identification procedures. This body of science has offered, among other things, "the sequential, double-blind eyewitness procedure" for lineups. Though the protocols for the sequential double-blind procedure are not yet standardized, this method generally involves showing photos or participants one at a time rather than side-by-side, with the witness required to make a decision on each photo or person before viewing the next one. The "double- blind" component requires that the lineup be conducted by an administrator who does not know which photo or live participant is the suspect and which are the fillers or "foils."

Although the National Institute of Justice recommended in 1999 that field studies on proposed eyewitness identification reforms be conducted, it was not until Illinois undertook such a study in 2006 that the call for field studies on eyewitness identification procedures gained widespread support. The findings of the Illinois study will surprise you. The response to the study also may surprise you. However the Illinois study is viewed, two questions relevant to all scientists cannot be ignored: (1) to what scientific standards will the science of eyewitness identification in this post-DNA world be held; and (2) to what extent has politics influenced the science of eyewitness identification?

The presenter will present the findings of the Illinois study, address the criticisms and make recommendations for the future of eyewitness identification.

Eyewitness Identification, Lineups, Field Studies

 ** Presenting Author*