A183   Dog Scent Lineups: A Junk Science Injustice

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After attending this presentation, attendees will understand the misuse of dog scent lineups in criminal cases.

This presentation will impact the forensic science community by pointing out the dangers in relying on unvalidated methodologies, often referred to as "junk science."

It is well known that dogs possess superior olfactory abilities compared to humans. Their ability to follow trails is well documented and accepted as an investigative tool. The use of dog scent lineups to associate a particular individual with a particular location is a more recent use of this tool — one which has found its way into criminal trials and resulted in wrongful convictions.

Under perfect conditions, with the careful application of controls to prevent undue influence on the canine by its handler, scent lineups may achieve an accuracy of 85%.[1] This presentation will focus on an individual who, without the benefit of any protocols or controls, claimed under oath that his canines were accurate more than 99% of the time.

Fort Bend County Sheriff's Deputy Sergeant Keith Pikett became very popular among Texas prosecutors because of his unique "ability" to associate defendants with crime scenes. He developed a down-home, folksy testimonial style and appeared at trials throughout Texas. Even after the prosecution bar became generally aware of some of Sgt. Pikett's shortcomings, they continued to call on him to help "solve" their cases.

Some of the testimony that prosecutors presented and judges allowed included the amazing claim that even though he did not keep detailed records, his dog "Clue" had only been wrong in one out of 1,659 lineups.[2] His dog "James Bond" had been wrong once out of 2,266 lineups, and his dog "Quincy" had only been proven wrong in three out of 2,831 lineups.[3,4] Pickett denied that he had any need of any formal training in scent lineups, he denied that he needed to follow any formal protocols, and he rejected the results of scientific studies.[5] Pickett claimed his dogs could identify scent more than 10 years old, and could also identify scents from vehicles.[6,7]

In 2002, the case of *State vs. Winston* cemented Sgt. Pickett's status as the leading scent lineup expert in Texas. In this case, the 14th Court of Appeals held that Winston was a qualified expert.[8] Thereafter, Pickett was allowed to present his lineup testimony in Texas as "scientific evidence."

As is the case with many charlatans, Sgt. Pikett attempted to enhance his credibility by falsifying his credentials. Sgt. Pikett earned a Bachelor of Science degree in chemistry from the University of South Alabama in 1977 and a "Master of Sport Science" degree from the United States Sports Academy in 1984; however, at various times, he testified under oath that he held a Bachelor of Science degree in chemistry from Syracuse University and a Masters degree in chemistry from the University of Houston. Both institutions' registrars stated that they had never heard of the man.

As is the case with many instances of "expert" witness misconduct, there were no serious consequences for Sgt. Pickett. He was never reprimanded, never disciplined, and certainly never charged with perjury. After the Innocence Project released a report detailing Sgt. Pickett's career, he "retired" in January 2010. Meanwhile, prosecutors and police continue to use scent lineups.

References:

1. Mesloh C, Wolf R, Henych M. Scent as forensic evidence and its relationship to the law enforcement canine. Journal of Forensic Identification 2002;52(2):169-182.
2. Transcript of Pretrial Hearing at 36 (Volume 2), Texas v. Justin Alexander (2009).
3. Transcript of Pretrial Hearing at 35 (Volume 2), Texas v. Justin Alexander (2009).
4. Transcript of Pretrial Hearing at 34-35 (Volume 2), Texas v. Justin Alexander (2009).
5. Transcript of trial testimony at 88-89, Texas v. Richard Winfrey, Jr. (2009).
6. Transcript of Pretrial Hearing at 46-47 (Volume 1), Texas v. Jason Smith (2007).
7. Deposition testimony at 74-75 and 141, Buchanan v. city of Victoria *et al*., 6:2008cv00008 (S. D. Tex. Filed January 29, 2008)- Deposition taken on January 22, 2009.
8. Winston v. Texas, 78 S.W.3d 522, 2002.

Canines, Scent Lineups, Junk Science