

# State panel urged to adopt eye witness procedures

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After rape victim Jennifer Thompson Cannino identified suspect No. 5 in a police lineup, the detective assured her she'd picked out her attacker.

"Good job," the detective told Cannino, who was then a star student at Elon College in North Carolina and had been raped by an intruder who broke into her off-campus apartment.

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Before a rapt audience Monday at a legislative study committee hearing, Cannino recounted the horror of her sexual assault on June 29, 1984, and her horror when learning 11 years later she had misidentified her attacker and helped send the wrong man to prison. The real attacker, later identified by DNA evidence, had gone on to rape six more women after he attacked Cannino.

"It's a human system," Cannino said. "We are fallible. We make mistakes. There are practices that can be put into place."

Cannino and a number of other witnesses called on Georgia to implement statewide procedures for eyewitness identifications. The committee, chaired by Rep. Stephanie Stuckey Benfield (D-Atlanta), is considering proposals that range from legislation that mandates certain procedures or simply calls on local law enforcement agencies to implement new protocols and provide training for them.

One practice is to make sure the person administering the photo array or lineup does not know who the actual suspect is, Gary L. Wells, an Iowa State professor and an expert on eyewitness identification, told the committee. Such assurances, as in Cannino's case, give the victim a "manufactured self confidence," he said.

Other steps, Wells said, include: making sure only one suspect is in the lineup; telling the witness the actual culprit may not be in the lineup; getting a statement of how sure the witness is of the identification at the time it is made; and making sure the "fillers" — those in the lineup who aren't the real suspect — fit the victim's descriptions.

The committee is studying the issue in light of exonerations nationwide through post-conviction DNA evidence. Earlier this year, Willie O. "Pete" Williams, who served 21 years in prison for a rape he didn't commit, became the sixth man in Georgia cleared by DNA evidence.

The Georgia Innocence Project recently filed Open Records Act requests with 500 law enforcement agencies across Georgia to see which ones have standards and procedures for eyewitness identification. So far, the project has heard from about 400, and 85 percent say they have no protocols, Georgia Innocence Project spokeswoman Lisa George said.

Barry Scheck, co-founder of the New York-based Innocence Project, said more than 75 percent of the 208 people exonerated so far by DNA evidence were convicted because of mistaken identity.

Not only will improved eye witness identification procedures reduce the number of wrongful convictions, Scheck told the panel, they also will help strengthen cases for prosecutors. Adopting clear standards also will help shield local authorities from federal civil rights complaints brought by those who were wrongfully convicted, Scheck said, noting that juries do not find it difficult to award an exonerated inmate \$1 million for every year he was in prison.