

Dallas police reviewing cases that relied on 'showup' identifications

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The Dallas Police Department is reviewing hundreds of recent cases that relied on one-suspect lineups after an investigation by *The Dallas Morning News* highlighted faulty eyewitness identifications that often led to wrongful convictions.

Police Chief David Kunkle said Wednesday that the department will now require that a supervisor be present for the "showup" identifications, and will track such identifications in the future. He said those steps are "directly a response" to the newspaper's investigation, adding that he plans to distribute the *News* series to all officers.

A review by the department that began Monday already has challenged long-held beliefs that such showups are rare.

"I had an idea this was minimal," Assistant Chief Ron Waldrop said. "But that's not true. Even though the numbers are low, it's a common thing."

The ongoing review, primarily of robbery cases, has identified more than 60 in which showups were used. Chief Kunkle said that the department will analyze each showup to make sure it was done properly.

The changes at DPD could serve as a model to departments nationwide, one eyewitness identification expert said.

Gary Wells, an Iowa State University psychology professor, called the department's decision "a great move."

"My guess is what it's going to show is that showups are happening a lot, and therefore that's where we need to put more of our attention," Dr. Wells said.

Police departments have largely ignored recommendations by Dr. Wells and other scholars over the last two decades to limit showups. Dr. Wells said pressure on police agencies has intensified because of DNA exonerations and the media attention they have received.

Police departments "are going to find it harder and harder to hold out when there are places like a Dallas that step forward," he said. "Any event like that, and especially for a jurisdiction as large as Dallas, is going to be a positive development, and it's going to help speed up reform."

Jeff Blackburn, chief counsel for the Innocence Project of Texas, said he commends DPD for its new policy but also has concerns.

"This is a lame excuse designed to cover up decades of past wrongdoing," said Mr. Blackburn, who has worked to free some of Dallas County's DNA exonerees. Mr. Blackburn is co-counsel in two federal civil rights lawsuits against DPD on behalf of DNA exonerees involved in showups.

Dallas County leads the nation with 19 convictions invalidated by DNA since 2001. Texas, with 36 such exonerations, leads all other states.

The News reported this week that three of 18 DNA exonerations based on eyewitness identifications in Dallas County stemmed from showups. The U.S. Supreme Court called showups inherently suggestive but legal in a 1967 decision.

The review of DPD cases from the last six months will show the department where most showups occur geographically and who conducts them, Chief Waldrop said. Police initially will direct training to areas with the most occurrences.

Requiring a supervisor's presence at all showups, which are typically conducted by patrol officers, should limit the procedure's use and ensure that they are done properly, Chief Waldrop said. Supervisors were present in two of the three showups in which the suspects were later exonerated by DNA.

Dallas police officials say they are concerned that untrained officers are conducting showups too often. Chief Waldrop said he hopes the study, more supervision and better training on showups for supervisors and patrol officers will change that.

Officers will begin admonishing the witness that the single suspect viewed "may or may not be" the perpetrator. Chief Waldrop said that witnesses will probably sign a form saying they have been told this but that no decision has been made. Witnesses already do this when they view photo lineups.

Proper procedures include not having the suspect viewed in handcuffs or inside a police car, he said. Chief Waldrop also said showups should not be conducted if officers already have probable cause to make an arrest. In those cases, he said, a photo lineup could be conducted later.

Police said they do not know when most of the changes involving showups will occur, but they said they would happen soon.

State Sen. Rodney Ellis, D-Houston, said earlier this week that legislators should discuss whether to ban showups after reading the series by *The News*. Mr. Ellis, a leading advocate for eyewitness identification reform, described the procedure as an abuse of police powers.

Chief Kunkle said that he would welcome the Legislature's review of showups – including holding hearings on the issue – but that he doesn't believe they should be banned.

"They're a tool that should exist," he said of showups. "We need to be sure officers are doing it correctly and legally."

Dallas County District Attorney Craig Watkins, who has made righting wrongful convictions a focus of his administration since taking office in January 2007, said he applauds any effort that would improve witness identifications.

"I think it's great that they're taking a look at it. We want to work with the Police Department to improve the system," Mr. Watkins said. "We want to come to a resolution together about how we can prevent the mistakes of the past."

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