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Lining Up a Better Way to ID Suspects

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In the world of law enforcement, police lineups are as old as the Wild West and have as much potential for error now as they did back then, according to experts pushing for changes.

Gary Wells, a psychology professor at Iowa State University and a leading figure on eyewitness research, believes he has found a pretty good way of cutting down on eyewitness errors, thus helping to keep innocent people out of prison.

"The rate of mistaken identification of a suspect could be cut down by a third to a half," Wells said in a telephone interview last week.

The new procedure Wells and researchers like him advocate is called "double-blind sequential lineup," which is a two-step method. And, he said, it costs next-to-nothing to implement.

In a double-blind sequential lineup, the person conducting the lineup does not know who the suspect is and eyewitnesses would be shown one person at a time, usually in a sequence of six. In a photo lineup, the witness would be shown one picture at a time.

Currently, police departments in Nassau and Suffolk use simultaneous lineups, where a witness gets to view everyone at once and police have knowledge of which one is the suspect.

New Jersey and some municipalities in upstate New York and California currently are trying out Wells' alternative method of identification. Next month, Wells is scheduled to speak on the topic before the Suffolk County Court Bar Association.

Police departments on Long Island use the simultaneous lineup in which an eyewitness gets to view a group of six people or a set of photographs all at once. The eyewitness can browse through the pictures

and compare the people in the lineup.

The trouble with the simultaneous lineup, Wells said, is that if the perpetrator is not there, people tend to use deduction to pick someone who resembles the person they believe committed the crime.

For example, Wells said, an eyewitness looking at a lineup would say the perpetrator is not in position 1, 2, 4, 5, or 6, so the perpetrator must be in position No. 3.

"In fact, that's like guessing," Wells said. "Sometimes that type of guess is right. Sometimes it's not."

In a sequential lineup, advocated by Wells, a witness is asked to look at one person and decide if that person is the perpetrator before seeing the next person or the next photograph.

"They have to look deeper into their memory and say whether this is the person who committed the crime," Wells said.

Currently in Nassau and Suffolk, the detective arranging the lineup is also the officer working on the case and he knows which person in the lineup is the suspect. Wells argues that the simultaneous lineup can allow the detective, consciously or not, to guide and influence the witness.

For example, Wells said a witness looks at a lineup and says the person in position 3 is the perpetrator but the witness poses his choice almost like a question. The detective, who knows that the suspect was picked out, might say something like "Yep, you got him" or the detective might applaud, Wells said.

Or if the witness identifies someone who is not the suspect, a natural response from the detective could be to tell the witness to take time to make sure about the selection, Wells said.

"It's not that we don't trust detectives but they're human," Wells said.

In the double-blind method that Wells advocates, a neutral person conducts the lineup, which helps to avoid any undue influence, Wells said. Drug testing in the medical world uses the double blind test where some people get placebos and some get the drugs. But the person examining the subjects does not know who received the drugs and who received the placebos. The same principle should apply in a lineup, Wells said.

"What we're trying to say is look, we need to make eyewitness evidence more scientific and use scientific methods to administer the tests to the witnesses," Wells said.

Brooklyn District Attorney Charles J. Hynes has adopted the double-blind lineup but has not endorsed the idea of viewing one suspect at a time. Nassau County District Attorney Denis Dillon's office has looked into the matter but Dillon's spokesman, Rick Hinshaw, said Dillon isn't convinced yet that changes should be made. The Suffolk district attorney's office did not return calls for comment.

It's not known how many innocent people have been put in prison because of identification errors made during simultaneous lineups, Wells said, but he pointed to the many cases where people were convicted based on eyewitness testimony and later exonerated by DNA evidence.

Wells, who has been conducting research on the subject for more than a quarter of a century and who helped New Jersey draft its guidelines, believes the criminal justice system will make the adjustment for better accuracy.

"It's just a matter of time, it really is," Wells said. "This kind of denial is just putting off the inevitable."

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