

Copyright 2003 The News and Observer
News Observer (Raleigh, NC)

September 13, 2003 Saturday, FINAL EDITION

SECTION: NEWS; Pg. B1

LENGTH: 915 words

HEADLINE: Better ID sought in criminal inquiries

BYLINE: Matthew Eisley, Staff Writer

BODY:

Police in North Carolina need to change the way they identify crime suspects to keep from convicting innocent people, a state panel concluded Friday.

As high-profile blunders in North Carolina and elsewhere have shown, crime-victim and witness identification of suspects in police lineups and courtroom testimony isn't as reliable as most people think, criminal justice experts agree.

Sometimes mistaken witnesses lead juries to convict the wrong people -- locking up the innocent while the guilty go free, they say.

And, they argue, traditional police procedures can lead witnesses to identify the wrong suspects. Showing a group of potential suspects together in one lineup, for example, can encourage the witness to pick the one who most resembles the perpetrator, even if the perpetrator is not among them.

In response to the growing awareness of misidentifications, the state's Actual Innocence Commission voted Friday to recommend

new procedures for all North Carolina law enforcement agencies. It will urge statewide law enforcement training organizations to teach the new methods, which aren't mandatory.

North Carolina joins New Jersey and a handful of local governments in retooling police methods in the hope of improving the accuracy of convictions.

"With these revisions in place, I think we can anticipate substantially fewer misidentifications, and as a consequence, substantially fewer convictions of innocent people," said Chief Justice Beverly Lake Jr. of the state Supreme Court, who formed the commission last year. "I feel very good about it. And I think it will give impetus to improve standards throughout the country."

The main guidelines are:

- Show the witness the suspect and the not-guilty "fillers" one at a time in live lineups or photos instead of as a group. And show all of them, even if the witness picks one early. This encourages the witness to decide about each person individually, instead of comparing them.

- Ensure that the staffer showing the witness the lineup or photos not know who the suspect is, to avoid pressuring the witness or giving unintended hints.

- Tell witnesses that the suspect might or might not be in the lineup or the photos.

- Use at least eight photos or six people in a lineup.

A survey of North Carolina's law enforcement agencies this year found that their suspect-identification practices vary widely, said Chris Mumma, the commission's executive director.

It will be some time before law enforcement agencies across the state adopt the new methods, commission members said. And some agencies probably will need more money to upgrade computer

photo systems and train staffers to follow the guidelines.

But the cops in the group agreed Friday that the new guidelines are workable, even in small law enforcement agencies.

The move is expected to draw national attention.

"They're out there in front, way ahead of the curve on these changes," said Gary Wells, a psychology professor at Iowa State University who explores problems of misidentification by crime witnesses. "This is one of the few ways in which you can make specific changes without much cost and make wrongful convictions less likely. What a bargain. Most other things that would have any bang cost big bucks.

"This is great for North Carolina. And now we can study what North Carolina has done, and how it did it, as a model other states can follow."

Wanted: police 'buy-in'

Wells said the procedures will pay off -- silently.

"Once it's in place, innocent people will have a better system to deal with," he said. "Down the line, they'll never know that they perhaps were one of the people saved from a hellacious experience by these procedures."

Lake formed the commission in response to several wrongful convictions and out of his concern for public confidence in the courts. The group includes judges, police, prosecutors, administrators, defense lawyers, investigators and law professors, many of whom agree on little besides improving justice.

The group's vote --its first substantive action -- was 25 to 0. It followed a three-hour discussion in which members debated broad policy and gritty details, then reached a consensus.

In New Jersey, the state attorney general ordered law

enforcement agencies and prosecutors to adopt similar procedures.

In North Carolina, Lake's vision and the commission members' cooperation have achieved a similar plan voluntarily.

"What we need is buy-in from law enforcement across the state to improve the accuracy of identification procedures," said Attorney General Roy Cooper, a member of the commission. "None of us has any authority to tell them what to do."

Commission member Robin Pendergraft , director of the State Bureau of Investigation, said acceptance will come when the state's two main law enforcement standards commissions approve and begin teaching the procedures, as she thinks they will.

Lake said he was pleased by the group's cooperative effort and unanimous vote.

Greater challenges lie ahead. The commission's next task will be to develop standards for videotaping police interrogations or to propose a new kind of tribunal, outside the normal court process, to review convicted criminals' claims that they're innocent.