JEHT Foundation Funds Eyewitness Identification Field Studies

Summary

The AJS Institute of Forensic Science and Public Policy will lead an 18-month national study designed to open a new era of accuracy and public confidence in our criminal justice system.

A $700,000 grant from the JEHT Foundation* will support the Eyewitness Identification Field Studies (Study), a unique initiative to enhance systematically the reliability and accuracy of eyewitness identification procedures in the United States. The AJS Institute of Forensic Science and Public Policy (Institute) is joining forces in this Study with four organizational partners: the Center for Modern Forensic Practice at John Jay College of Criminal Justice; the Police Foundation; the Center for Problem-Oriented Policing; and the Innocence Project. The controlled Study will examine eyewitness identification procedures used in the field in an effort to link the latest developments in behavioral science and police investigation techniques. Dr. Gary L. Wells, Distinguished Professor of Psychology at Iowa State University and Director of Social Sciences for the AJS Institute, leads a team of prominent scientists that will implement the Study in four jurisdictions nationwide.

The advent of DNA technology has brought to the forefront confirmation of the tragedy of wrongful convictions in the United States criminal justice system. DNA evidence is more likely available, and more likely to have been preserved, in crimes involving murder and rape. Researchers have found that 97% of known exonerations were either for murder (61%) or rape (37%), with 3% for other types of crimes. The actual number of wrongful convictions will never be known. The clear implication, however, is that DNA-related exonerations are the tip of the iceberg of actual wrongful convictions.

Various figures have been placed on the percentage of wrongful convictions involving mistaken eyewitness identification, but eyewitness identification is widely considered to be a leading cause of wrongful convictions. In 1998, United States Attorney General Janet Reno publicly recognized “the role that eyewitnesses play in supplying critical evidence about crimes.” Mistaken identification not only places an innocent person at risk of conviction, but also leaves the actual perpetrator free and able to commit additional crimes. The financial burden unjust convictions place on the criminal justice system, combined with the negative financial, social, and psychological impact on innocent persons and their families, and the erosion of public trust and confidence in our criminal legal system, is incalculable.

Scientists have proposed laboratory tested procedures that can improve the reliability of identification, including sequential rather than simultaneous presentation, double-blind administration, improved instructions, improved filler selection, and recording confidence statements at the time of the identification. In double-blind sequential administration, the administrator of the eyewitness identification presentation is not aware of, or cannot observe, the suspects’ identifications. This obviates the risk of intentional or unintentional cues affecting the witness’s identification. While this is among the most promising reforms, it is also one of the most controversial. Law enforcement departments may be hesitant to change long standing practices and procedures.

There is a clear need for well-controlled field experiments at multiple sites to provide guidance for law enforcement, prosecutors, and the courts about the efficacy of sequential versus simultaneous lineup procedures as well as the value of conducting double-blind identification procedures using computers. “In an effort to achieve maximum control and consistency in this study,” Wells noted, “software was developed that permits a computer to administer photographic lineups to eyewitnesses and collect their identification decisions.” The Study will utilize double-blind controls in all procedures with all conditions and provide for the collection of objective follow-up data that could shed light on actual guilt or innocence of identified suspects without compromising ongoing cases or investigations. The field Study will differ from laboratory studies in a number of ways but, most significantly, in laboratory studies the actual “perpetrator” is known whereas in real life it is unknown whether the suspect was the actual perpetrator. When using real cases, it can be assumed that filler picks are wrong picks but it cannot be assumed that suspect picks are correct picks.
Despite over thirty (30) years of laboratory results conducted by Dr. Gary Wells and his colleagues, police departments have been hesitant to change well-established procedures based on laboratory findings alone. Many departments have used a well-publicized but flawed study conducted in Illinois as a reason not to test new and promising methods. Additionally, there has been no universal application, or widespread adoption, of eyewitness identification procedures that integrate the growing body of psychological knowledge and social science research with the practical perspectives and demands of day-to-day law enforcement. “These field studies represent a unique collaboration between police, social scientists, institutes, and centers across the country to test new ways to improve the reliability of eyewitness evidence,” said Wells. “These are likely to be the most important and informative studies ever conducted on eyewitness identification,” Wells continued.

The Study will be conducted at four distinct, geographically diverse sites across the nation and is headed by primary scientists Dr. Wells, Dr. Roy S. Malpass, Dr. Brian Cutler, Dr. Nancy Steblay, and Dr. Jennifer Dysart. Other scientists involved in the Study include: Dr. Steve Penrod, Dr. Steve Clark, Dr. Margaret Kovera, and Dr. Lori Van Wallendael. The first study began in Charlotte, North Carolina, in January. Three additional sites will be chosen in the early stages of this project. In each of the sites under consideration, law enforcement leadership and prosecutors have expressed a strong interest in participating in the Study in order to improve the reliability of identifications. Implementation of the Study in four sites will result in a total of 1600 cases being tracked. Law enforcement departments representing 4,750 law enforcement and support personnel will be invested in the Study and its findings.

Upon conclusion of the field studies and production of a final report of the Study findings, the AJS Commission on Forensic Science and Public Policy will convene to review and endorse the Study findings and issue recommendations for the future conduct of eyewitness identification procedures. The Commission will make a major public statement on the Study findings and resulting policy recommendations. AJS will seek the full and active participation of all project partners and allied organizations in supporting, endorsing, and publicizing the Study findings and recommendations.

The Study aligns closely with the purpose of the JEHT Foundation’s Criminal Justice Program “to bring the latest research and best practices to bear on efforts to make the criminal justice system a more effective mechanism for insuring public safety and guaranteeing fairness to individuals.” The Study will provide criminal justice and law enforcement communities across the nation a unique and timely opportunity to “get it right” through targeted field research demonstrating the practical application of lab-proven eyewitness identification techniques and processes.

*Established in 2000, the JEHT Foundation name stands for Justice, Equality, Human dignity, and Tolerance, the core values underlying the Foundation’s mission.