

Reforming Eyewitness Identification: Convicting the Guilty, Protecting the Innocent

Sunday, September 12, 2004

8:30-9:30 **Check-in**

Bagels, Juice, Coffee, and Tea for Panelists and Attendees

9:30-9:55 **Keynote Address: Tom Sullivan**

Opening remarks will be delivered by the former Federal Prosecutor and Ryan Commission Co-Chair.

9:55-11:10 **Opening Reflections: The Cost of Mistaken Eyewitness Identifications**

9:55-10:20 ***Kirk Bloodsworth***. Convicted and sentenced to death in Maryland based on mistaken eyewitness testimony, Kirk was exonerated by post-conviction DNA testing in 1993.

10:20-10:45 ***Penny Beerntsen***. Penny's mistaken eyewitness identification played a role in Steven Avery's wrongful conviction in Wisconsin.

10:45-11:10 ***Jennifer Cannino***. Jennifer's mistaken eyewitness identification played a role in Ronald Cotton's wrongful conviction in North Carolina.

11:10-11:40 **Presentation of ABA Task Force Recommendations**

Andy Taslitz. Chair of the Subcommittee on Eyewitness Identification of the ABA's Ad Hoc Committee on Innocence and the Integrity of the Criminal Process, Andy will discuss the ABA's August 2004 Statement of Best Practices for Conducting Lineups and Photospreads.

11:40-11:50 **Break**

11:50-12:40 **Social Science Support of Best Practices, Part I - General Approach**

Conceptualizing Eyewitness Evidence: System vs. estimator variables and the "memory as trace evidence" metaphor – ***Gary Wells***

Assessing the Accuracy and Usefulness of Eyewitness Identifications: General levels of witness performance/errors in experimental and field studies, and methods for assessing the usefulness of eyewitness identifications - ***Steven Penrod***

Overview of Estimator Variables: Findings from research on the effects of witness, crime and perpetrator characteristics on eyewitness accuracy - **Brian Cutler**

Audience Questions/Comments

12:40-1:50 Lunch

Luncheon for Panelists, Cardozo Law School, 10th Floor, Room 1008. Participants will find lunch on their own from one of the many good food spots in the neighborhood. Local recommendations will be provided.

1:50-3:20 Social Science Support of Best Practices, Part II - Procedures and Lineup Content

Identification Instructions: The nature of biased instructions to witnesses, their impact on identification accuracy and methods to avoid those instructional biases - **Nancy Steblay**

Show-Ups: Weighing the advantages and disadvantages of show-ups versus photographic arrays and live lineups - **Nancy Steblay**

The Advantages and Disadvantages of Simultaneous and Sequential Lineup Presentation: How to maximize the diagnostic value of lineups - **Steven Penrod** and **Gary Wells**

Double Blind Lineup Presentations: The advantages of assuring that the person conducting a lineup procedure does not know who in the array is the suspect - **Gary Wells** and **Margaret Bull Kovera**

The Optimal Lineup: What is the optimal lineup size, number of suspects in an array and method for selecting lineup fillers? - **Steven Penrod**

Audience Questions/Comments

3:20-3:40 Coffee, Tea, and Dessert for Panelists and Attendees

3:45-4:55 Social Science Support of Best Practices, Part III - Other Eyewitness Issues

Composites: How useful are they? - **Margaret Bull Kovera**

Witness Confidence and Witness Accuracy: How to maximize the relationship between confidence and accuracy and maximize the value of alternative measures of witness confidence - **Steven Penrod**

Confirmation Bias and Disregard for Non-identifications: How to draw proper inferences from witness identifications and non-identifications - ***Gary Wells***

General Acceptance: How well does scientific research on eyewitness performance meet admissibility standards such as *Frye* and *Daubert*? - ***Saul Kassin***

Audience Questions/Comments

5:00 Break for the day

Participants are free to explore all the good things New York City has to offer!

Monday, September 13, 2004

9:00-9:30 Bagels, Juice, Coffee, and Tea for Panelists and Attendees

9:30-11:10 Law Enforcement Panels

Law enforcement officials will discuss their decision to adopt certain lineup reforms and share anecdotal or survey results from their experiences, including discussion of obstacles to implementation. The panel will be moderated by ***Seattle Chief of Police Gil Kerlikowske***.

Panel I. Implemented Programs: Reports from the Field

9:30-9:50 Hennepin County Attorney ***Amy Klobuchar*** and Senior Assistant Hennepin County Attorney ***Al Harris***, Hennepin County, MN

9:50-10:10 Assistant District Attorney ***David Angel***, Santa Clara County, CA

10:10-10:30 Deputy Attorney General ***Lori Linskey*** and U.S. Attorney ***Lee Solomon***, New Jersey

10:30-10:50 Lieutenant Detective Bureau Commander ***Ken Patenaude***, North Hampton, MA

Panel II. Pending Programs: The Next Wave of Reform

10:50-11:10 North Carolina Actual Innocence Commission Executive Director ***Christine Mumma***, North Carolina

11:10-11:30 District Attorney ***Joshua Wall***, Boston, MA.

11:30-12:00 Questions and Discussion

12:00-12:50 Break-out Session

Participants will have the opportunity to break into smaller groups led by the panelists, to discuss issues addressed throughout the conference. Sessions will be held in Rooms 211, 205, 305, 303, 425 and 407.

12:50–2:00 Lunch

Luncheon for Panelists, Cardozo Law School, 10th Floor, Room 1008.
Participants will find lunch on their own.

2:00–3:40 Eyewitness Identification in Court: Getting it Right

A presentation by *Barry Scheck*, *Peter Neufeld*, and *Gary Wells* will discuss the problem of *Manson v. Brathwaite* and ways in which the current standard may be challenged. *Patricia Bailey*, Manhattan Assistant District Attorney, and *Stephen Schulhofer*, NYU Criminal Law Professor will respond, with time at the end for audience questions/comments.

3:40 End of Conference