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## Mistaken Eyewitness Identifications

Mistaken eyewitness identification contributed to the wrongful conviction of 75% of the 164 people exonerated through post-conviction DNA testing in the United States. In many cases, there was more than one mistaken identification of the actually innocent person.

This fact is extremely troubling. The good news, however, is that we can eliminate much of this error. Over the past 25 years, a large body of peer-reviewed, scientific research and practice shows that simple changes in administering eyewitness ID procedures can greatly improve the accuracy of those identifications.

The result has been that the U.S. Department of Justice, the American Bar Association, and states across the nation have endorsed such changes. In fact, states, counties and municipalities across the nation are rapidly adopting and implementing them into their daily practice.

### Improving the Accuracy of Eyewitness Identifications

To improve the accuracy of eyewitness identifications, experts recommend that the administrator does not know who the suspect is, provides specific instructions to the witness, and presents members of the lineup in a sequence. The shorthand for this package of reforms is referred to as “sequential double-blind.”

#### *“Blind” administrators*

A “blind” lineup administrator is one who does not know who the suspect is. This prevents the administrator of the lineup from providing inadvertent or intentional verbal or nonverbal cues to influence the eyewitness to pick the suspect. (“Double blind” refers to the fact that neither the witness nor the administrator knows who the suspect is.)

#### *Instructions*

An important element in reducing the likelihood of an erroneous identification comes in the form of instructions given by the lineup administrator. These instructions include telling the eyewitness that *the administrator does not know who the suspect is* and that *the suspect may or may not be in the lineup*. This prevents the eyewitness from looking to the lineup administrator for cues or feedback, and prevents the eyewitness from feeling compelled to select an individual from the lineup.

#### *Sequential presentation*

In a “sequential” presentation, the eyewitness is shown lineup members one at a time and asked to make a decision and confidence statement about each before viewing the next. This contrasts with the traditional “simultaneous” presentation, where all lineup members are shown to the witness at once. This allows the eyewitness to examine the image of each suspect separately and decide if they believe that individual was the perpetrator of the crime, and reduces the demonstrated likelihood of the witness making a “relative judgment,” i.e. picking the person who most resembles the witness’s memory of the perpetrator.

- **An important note about sequential lineups** is that they can actually *decrease* the likelihood of a correct identification if they are not accompanied by a “blind examiner.” Therefore, “*sequentially*” presenting lineups is only a reform when teamed with a blind examiner.

## **Jurisdictions employing “sequential double-blind”**

The following jurisdictions have implemented “sequential double-blind” as standard eyewitness identification procedure:

The state of New Jersey;  
Seattle, WA  
Boston, MA  
Northampton, MA  
Madison, WI  
Winston Salem, NC  
Hennepin County (Minneapolis-St. Paul), MN  
Santa Clara County, CA

The following jurisdictions have promulgated “sequential double-blind” voluntary guidelines and/or required incorporated into law enforcement trainings:

North Carolina  
Wisconsin  
Virginia

There is a statewide pilot program using “sequential double-blind” procedures in:  
Illinois

## **Eyewitness Identification Reform Links**

### **1. Specific Jurisdiction Protocols**

- i. New Jersey  
<http://www.njdcj.org/agguide/photoid.pdf>
- ii. Boston, MA  
**Email:** [MediaRelations.bpd@ci.boston.ma.us](mailto:MediaRelations.bpd@ci.boston.ma.us)
- iii. Santa Clara County, CA  
[www.innocenceproject.org/docs/Santa\\_Clara\\_Lineup\\_Protocols.pdf](http://www.innocenceproject.org/docs/Santa_Clara_Lineup_Protocols.pdf)
- iv. Northampton, MA (small town) –  
[www.innocenceproject.org/docs/Northampton\\_MA\\_ID\\_Protocols.pdf](http://www.innocenceproject.org/docs/Northampton_MA_ID_Protocols.pdf)

### **2. Official Recommendations and Supporting Research**

- i. **U.S. Department of Justice, National Institute of Justice: *Eyewitness Evidence: A Guide for Law Enforcement*, October 1999**  
[www.ncjrs.org/pdffiles1/nij/178240.pdf](http://www.ncjrs.org/pdffiles1/nij/178240.pdf)



- ii. **U.S Department of Justice, National Institute of Justice:** *Eyewitness Evidence: A Trainer's Manual for Law Enforcement*, Sept. 2003  
[www.ncjrs.org/nij/eyewitness/foreword.html](http://www.ncjrs.org/nij/eyewitness/foreword.html)
- iii. **American Bar Association** Policy on Eyewitness Identification  
[www.abanet.org/crimjust/policy/am04111c.doc](http://www.abanet.org/crimjust/policy/am04111c.doc)
- iv. **North Carolina** Actual Innocence Commission Recommendations --  
<http://www.aoc.state.nc.us/www/ids/News%20&%20Updates/Eyewitness%20ID.pdf>
- v. **Wisconsin** Office of the Attorney General: Model Policy and Procedure for Eyewitness Identification  
[www.law.wisc.edu/fjr/innocence/AG%20Model%20Policy.pdf](http://www.law.wisc.edu/fjr/innocence/AG%20Model%20Policy.pdf)
- vi. **Virginia** Crime Commission  
<http://leg2.state.va.us/dls/h&sdocs.nsf/4d54200d7e28716385256ec1004f3130/cece4e476d79218985256ec500553c3b?OpenDocument>
- vii. Overview of lineup reforms and research that supports them by **Gary Wells**, the nation's leading researcher on the issue. (More research articles at: [www.psychology.iastate.edu/faculty/gwells/homepage.htm](http://www.psychology.iastate.edu/faculty/gwells/homepage.htm))
- viii. *Accuracy of Eyewitness Memory for Persons Encountered During Exposure to Highly Intense Stress*, **Dr. Charles A. Morgan**, Yale University, in conjunction with numerous military and academic experts.  
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