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Dallas police pioneering new photo lineup approach

By Jeff Carlton
Associated Press

DALLAS — Frustrated with a string of wrongful convictions, the Dallas police department is now the nation's largest force to use sequential blind photo lineups - a widely praised technique designed to reduce mistakes made by witnesses trying to identify suspects.

Dallas is not the first department to use the pioneering method. But experts hope that by using it in the county that leads the nation in exonerating wrongly convicted inmates, Dallas will inspire other departments to follow suit.

"If Dallas can do it ... then others are going to rise to the occasion," said Iowa State psychology professor Gary Wells, a national expert on police lineups.

The department switched to sequential blind lineups in April. Before that, Dallas police administered most lineups using the traditional six-pack - law-enforcement lingo for mounting six photos onto a folder and showing them to a witness or victim at the same time.



In a new type of police lineup, a Dallas police officer shows a victim of a robbery a single photo of a suspect in an interview room at police headquarters in Dallas, Texas, Tuesday, Aug. 18, 2009. The police department in Dallas has become the nation's largest force to use

In sequential blind lineups, mug shots are shown one at a time. Detectives displaying the photos also don't know who the suspect is, which means they can't purposely or accidentally tip off witnesses.

Showing possible suspects all at once tends to make a witness compare the mug shots to one another, Wells said. But if they are shown sequentially, "witnesses have to dig deeper, compare each person to their memory and make more of an absolute decision."

"It makes witnesses more conservative, more cautious," he said.

An analysis of 26 recent studies shows that presenting mug shots sequentially instead of simultaneously produces fewer identifications but more accurate ones, Wells said. Overall, identification rates in sequential lineups are 15 percent lower than simultaneous lineups - but misidentification rates also drop by 39 percent, he said.

Dallas is taking other measures to try to cut back on misidentifications. Police try to record every lineup to make them more credible, and a lineup unit tells witnesses that police will investigate the case regardless of whether an identification is made. That's designed to reduce pressure on a witness to make an ID for fear the case will stagnate, said Dallas police Lt. David Pughes.

Dallas police also ask witnesses to express how confident they are in their identifications, Pughes said. That's to avoid what Innocence Project Co-Director Barry Scheck calls a "forced-choice response" when police, intentionally or not, nudge a witness into expressing certainty.

That's what happened to Thomas McGowan, a wrongly convicted Dallas County man released last year after nearly 23 years in prison for a rape and robbery he did not commit.

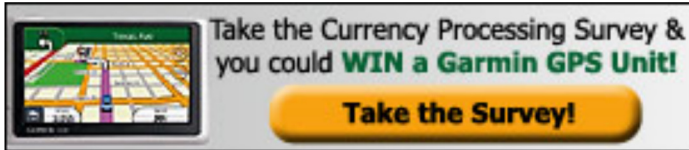
Police in the Dallas suburb of Richardson gave the victim, who was held captive by her attacker for several hours, several photos including McGowan's and the man that DNA eventually proved to be the rapist. She picked out McGowan's photo, saying she "thought" he was the attacker. Police told her she had to be certain and "couldn't just think it was him." It was then she said McGowan was "definitely" the attacker, according to

sequential blind lineups, a widely praised technique that experts said should reduce mistakes made by eyewitnesses trying to identify suspects. *(AP Photo/LM Otero)*

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McGowan recently met his accuser, who apologized. He said he believes police should use an independent person to administer lineups. The Richardson department now has a written policy that states a preference for but doesn't require an independent lineup administrator.

"They showed me the picture of the guy, and to me the guy looked nothing like me," McGowan said. "I'm still trying to figure that one out."

Nationally, more than 75 percent of DNA exonerees who have been released since 1989 were sent to prison based on witness misidentification, according to The Innocence Project, a New York legal center specializing in overturning wrongful convictions. It's the most common element in a wrongful conviction, the center said.

Since 2001, 21 people in Dallas County have had convictions overturned after DNA proved their innocence. A majority of them were in the city of Dallas.

In May, Jerry Lee Evans, of Dallas, had his conviction overturned after spending 23 years in prison for aggravated sexual assault with a deadly weapon. The rape victim wrongly identified him as her attacker.

In another case, Johnnie Earl Lindsey spent more than 25 years in prison for a rape he did not commit. The victim said her attacker didn't wear a shirt. A year later, the victim picked out Lindsey - one of two shirtless men among the six photos. Lindsey, of Dallas, was released last year after DNA showed he was innocent.

Boston, Minneapolis and Denver use sequential blind lineups or some variation. New Jersey and North Carolina have mandated police do the same. Most police departments, however, continue to use the six-pack or other traditional methods.

"There's a belief that as long as what you are doing is legal, then you just keep doing it because you believe it is working for you," Wells said.

In Dallas, police were initially resistant to the new lineups because "they thought we were creating obstacles to getting bad guys off the street," Assistant Chief Ron Waldrop said.

But after about 1,200 lineups, identification rates have not changed - though it is too early to tell if there's been a decline in mistaken ID rates.



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