So, what now?
A little advice and much encouragement for future lineup studies in the field

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DNA exoneration cases have exposed eyewitness error as the predominant factor in false convictions. Almost a decade ago, this fact propelled joint action among law enforcement, legal professionals, and eyewitness scientists, resulting in the 1999 publication of “Eyewitness Evidence: A Guide for Law Enforcement” by the National Institute of Justice.¹ The guide provided science-based recommendations for effective lineups and alerted law enforcement to three developing ideas for future refinement: double-blind lineup administration, sequential lineup presentation format, and the use of computers for lineup delivery.

In the following years, researchers have produced a solid body of laboratory evidence that supports the use of double-blind sequential lineups as a means to secure better quality eyewitness identifications.² While the scientists anticipate that law enforcement will see gains in eyewitness accuracy similar to those found in the laboratory, law enforcement seeks evidence that the recommended changes aid eyewitness investigations. Also, as lineup reforms are implemented, it is likely that law enforcement departments will tinker with the new procedure, meld their past-preferred methods to the new one, and perhaps generate speculation as to how their revisions affect eyewitness accuracy. Questions are likely, including:

1. How will we know if results from revised field lineups are really better?

With a laboratory experiment, the scientist can definitively detect correct eyewitness decisions because the perpetrator’s identity is known. In the field, however, the true status of the suspect as offender or innocent is unknown.

For example, the field identification of a lineup member may be due to a witness’s true recognition of the offender or an erroneous choice of an innocent suspect. The worst-case scenario—when a witness’s selection is incorrectly judged to be accurate—is illustrated by many DNA exoneration cases.³ Even the meaning of an eyewitness’s failure to choose the suspect is not always clear; this may indicate that the witness has a poor memory or that the true culprit is not even in the lineup. Field data alone tell us very little about witness reliability, but we can get to a reasonable answer from here.

2. Left with measures that offer no absolute standard of “goodness,” what should we do?

Sound eyewitness evidence depends on the conditions under which the eyewitness makes the decision. Similarly, reliable study data are the result of sound scientific method and tested techniques of lineup construction and presentation.⁴ One requisite safeguard for all lineups must be highlighted: the double-blind method (neither the witness nor the lineup administrator knows which photo is the suspect). It is only under
double-blind conditions that we can begin to view suspect identifications as a reasonable estimate of reliable witness memory and filler identification rate as a proxy for risk to innocent suspects.\(^5\)

“Double-blind” serves a dual role in lineup reforms. As a scientific tool, it provides the necessary method for objective comparisons of competing lineup strategies (e.g., to test sequential versus simultaneous formats). But also, for the individual lineup, the double-blind is an essential component to shield the witness’s lineup decision from the threat or even suspicion of unintentional administrator influence.\(^6\)

3. *How can future collaboration between field and laboratory studies promote effective lineup procedures?*

Recent field studies have underscored the need for scientists and law enforcement to work together to meet the requirements of rigorous scientific testing and practical street considerations. Police investigators can provide insight about operational challenges and develop creative remedies as required by jurisdictional circumstances. For example, when a blind administrator is not available, the “envelope technique” or laptop lineup delivery can be used. More broadly, those in the legal system can help scientists frame future research questions.\(^7\)

Input from scientists can be particularly helpful when a jurisdiction amends the recommended guidelines. Experiments can determine whether changes in procedure enhance or detract from eyewitness decision accuracy. For example, some jurisdictions prefer that an eyewitness be allowed multiple viewings of the sequential lineup. Hennepin County (MN) allowed multiple viewings and collected data from both field and lab. The findings converged: Field data showed increasing filler selections (known errors) with lineup “lags”; lab data echoed this pattern, establishing that misidentifications increased by 26% following repeated viewing of the lineup.\(^8\)

Finally, any hope of comprehending field lineup results will fade quickly if researchers, litigators, police, and intended audiences have not shared a specific and detailed lineup protocol. Investigators have long-established habits for conducting lineups that do not always follow written departmental guidelines. It is important for departments to determine whether these habits are intentionally or inadvertently transferred to the new lineup routine. An effective scripting for new lineup standards must edit old practice and combine it with the new to form a clear, coherent, and scientifically sound package.

4. *What are we likely to gain from future field studies?*

Convinced by the scientific lab data and motivated by the desire for greater confidence in eyewitness evidence, a number of jurisdictions have implemented the new double-blind sequential procedures -- often with reported success. While some jurisdictions have received substantial attention and publicity, others have initiated reforms “under the radar,” without much fanfare and encountering little difficulty.\(^9\) Smooth translation of lineup reforms to the field has not been the case for all departments, however, and concerns have been voiced regarding implementation problems and outcome effectiveness.\(^10\) In the short-run, additional field studies will help to immediately address these specific concerns.
But there is also the larger and very important objective: that we secure more accurate memory evidence from eyewitnesses. Scientists and the legal system’s practitioners must continue to work together to bring genuine improvements into practice.

Footnotes:


3. The Innocence Project. [www.innocenceproject.org](http://www.innocenceproject.org)


Interpersonal expectancy effects: The first 345 studies. *Behavioral and Brain Sciences*, 3, 377-386.


9. Ibid.