

Gary L. Wells' comments on the Illinois Report:

The Report of the Illinois Pilot Program on Sequential Double-Blind Identification Procedures was released to the public on March 28, 2006. That report can be accessed via the following link:

http://www.psychology.iastate.edu/faculty/gwells/Illinois_Report.pdf

The Report states that the double-blind sequential procedure resulted in more errors (picking fillers) than the simultaneous procedure. I have two main concerns about the Report.

Concern 1: The Failure to Include a Simultaneous Double-Blind Condition

My main reaction to this report is disappointment and concern that the design of the study does not permit any clear conclusions. The reason that it does not permit clear conclusions is because the simultaneous lineups never used the double-blind procedure whereas the sequential lineups always used the double-blind procedure. This is extremely problematic, as explained in the following paragraphs.

The reason that scientific researchers have called for double-blind lineup procedures is because of a concern that the lineup administrators (usually the case detective) could influence the eyewitnesses by steering them away from the fillers and steering them toward the suspected person (who might or might not be the culprit). [See

http://www.psychology.iastate.edu/faculty/gwells/Wells_articles_pdf/whitepaperpdf.pdf]

There is no presumption here that the influence of the lineup administrator is intentional or that the lineup administrator is even aware of the influence that s/he is having.

Because the simultaneous lineups were not conducted using the double-blind procedure, their "low" rate of filler identifications could have been a product of this influence. The sequential lineups, on the other hand, were always conducted in a manner that did not permit the lineup administrator to influence the results (i.e., they were always double-blind). The somewhat higher rate of filler identifications for the sequential, therefore, could have been due to the absence of any lineup administrator influence on the eyewitness that could have directed them away from fillers and toward the suspected person.

Another way to say this is to note that the lineup administrator could not influence the eyewitnesses to avoid the fillers in the sequential because the administrator did not know which were fillers and which was the suspected person. But this guarantee is not there for the simultaneous lineups because the simultaneous lineups were always conducted by the case detective, who knew very well which were fillers and which was the suspected person.

In any subsequent write-ups of this study, I urge the authors to call the simultaneous lineups **non-blind simultaneous** rather than just simultaneous so that this problem is more transparent to the reader. Furthermore, I call on the authors of the report to recast the sentence on page 34 that could be read to suggest that I approved of or knew of this flawed design ahead of time.

Concern 2: Why are the Filler Identification Rates so Low for the Simultaneous?

The rate of filler identifications in the simultaneous lineups are quite low (around 3%) in this Illinois Pilot Project compared to what has been reported in other jurisdictions using actual lineups with real eyewitnesses. In fact, for the Chicago and Evanston lineups, the rate of filler identifications for the non-blind simultaneous lineups is zero! I have never seen anything like this from any field study of actual eyewitnesses. For instance, a study organized by the Metropolitan Police in London examined 584 attempts by eyewitnesses to identify suspects from lineups using the simultaneous procedure and found a filler identification rate of 21%¹. These results are similar to the 22% filler identification rates in a police-supervised study reported by Slater² involving 843 eyewitnesses to serious crimes. Both of these results are similar to the 20% filler identification rate reported by Wright and McDaid in their analysis of 1,561 eyewitnesses' attempts to identify suspects from simultaneous lineups based on serious crimes³. And, these three studies are similar to the filler identification rates of 24% with live simultaneous lineups in a sample from Sacramento County California and several other counties in Northern California⁴.

Why were the filler identification rates so low with simultaneous lineups for the Illinois Pilot Project (e.g., in the area of 3%) whereas other studies show filler identification rates in the area of 20%? I certainly do not know the answer. Beyond knowing that the simultaneous lineups were not double-blind, we do not know much about them because the detectives were allowed to simply do the lineups they way they usually do, whatever that might mean. We know that low rates of filler identification can be obtained by using fillers who do not fit the description of the perpetrator (a classic biased lineup). Low rates of filler identification can also be obtained when the lineup administrator inadvertently "leaks" information to the eyewitness regarding which person is the suspect. And,

¹ See peer reviewed article describing this work in detail by Valentine, T., Pickering, A., & Darling, S. (2003) Characteristics of eyewitness identification that predict the outcome of real lineups. *Applied Cognitive Psychology*, 17, 969-993.

² See report by Slater, A. (1994). *Identification parades: A scientific Evaluation*. Police Research Award Scheme. London: Police Research Group, Home Office.

³ See peer reviewed article describing this work by Wright, D.B., & McDaid, A.T. (1996). Comparing system and estimator variables using data from real lineups. *Applied Cognitive Psychology*, 10, 75-84.

⁴ See peer reviewed article describing this work by Behrman, B.W., & Davey, S.L. (2001). Eyewitness identification in actual criminal cases: An archival analysis. *Law and Human Behavior*, 25, 475-491.

low rates of filler identification can be obtained when the lineup includes multiple suspects or the lineup administrator fails to record a filler identification and instead simply notes that the witness did not pick the suspect. In the absence of any analyses of the Illinois Pilot Project lineups for the presence of such problems, we cannot yet rule out these possibilities alone or in combination. But, for now, we can only say that we do not have an answer to these questions.

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