A Review Study on Scrutinizing the Efficacy of Single-Blind Versus Double-Blind Police Line-ups

Sandhya M Jaitly T*, Gupta S and Shukla S

Amity Institute of Forensic Science, Amity University, India

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*Corresponding author: Tamanna Jaitly, Amity Institute of Forensic Science, Amity University, India Tel: 07838409054;
Email: tamannajaitly@gmail.com

Abstract

DNA Profiling was not so efficiently developed and utilized in the earlier times to get a conclusive proof. Almost all convictions were solely based on the eye-witness' identification of the suspect. The innocent had a fair chance of being convicted for a crime he/she did not commit because of his/her resemblance to the real culprit. After the advent of the DNA technology in the recent past, results mostly proved to be inconclusive due to inexperience of the experts. Even in those cases, eye-witness identification and testimony were given primary importance. One of the eye-witness identification procedures is "line-up". There can be live line-ups as well as photo line-ups. The present study circumference the reviews of the inefficiency of single-blind line-ups (in which the administrating officer knows the identity of the perpetrator while the victim does not) in comparison to double-blind line-ups (where both the parties are unaware of the identity of the perpetrator). Cases from the recent past have been highlighted in the study to get a clearer perspective of the line-up procedure and how a poor and biased administration procedure leads to the conviction of an innocent.

Keywords: Single-blind line-up; Double-blind line-up; Perpetrator; Testimony; Photo line-up

Introduction

An eyewitness is someone physically present at an event [1] .The person has witnessed the event with own eyes and a first-hand account of the scene can be obtained [1]. In many criminal cases, identification made by the eye-witness is used to make charges against someone [2]. The eye - witness can be a victim, a passer-by or an accomplice of the main culprit [2]. There are 3 types of eye-witness identification:-

Police-Line-Ups: Also includes photo line-ups. Suspect is grouped with people not involved in the crime [2]. Identification of the culprit is made by the eye-witness. Validity is questioned if only one person looks like the real culprit. Police should not give clues to the witness [2].

Showups: Similar to line-ups but only the suspect is present. Challenges to showups include obvious nature of the "suspect". Victim might have seen suspect in a police car or in hand-cuffs [2].

Photo Identification: Several photos are shown to eye-witness. One of them is of the suspect. The eye-witness has to identify the suspect. Suggestions by the police can question the validity of the procedure. Suspect's photo standing out from the rest is also a suggestion [2]. A police line-up or an identity parade is a method used for eye-witness' identification of the suspect. The suspect has to stand along several "fillers" [3-5]. Fillers are actors, volunteers, police officers or even prisoners

of same stature. For admissibility of line-up, it must be fairly conducted. Police should not give clues to eye-witness. Partiality is when fillers have contrasting characters relative to suspect [3] (Figure 1).
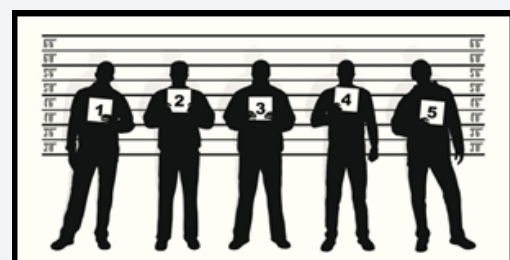

Figure 1: Depicting the live line-up procedure.

Types of Police Line-Ups

Sequential v/s Simultaneous Line-Ups

Dependency is on how suspects are presented. In simultaneous line-ups, presentation is in groups of 6-9. Relative judgment is used. Analysis of close resemblance of suspect to culprit. Sequential line-ups use absolute judgment of a person. Witnesses are dependent on their memory for the judgment [3,6]. Simultaneous is more erroneous than sequential. If culprit is present, simultaneous line-ups give 14% higher positive identification. If culprit is absent, sequential line-ups give 21% lower false identification [3,5].

Standard Sequential Line-Ups V/S Sequential Line-Ups Laps

Laps means showing suspects repeatedly- one after another. Viewing suspects repeatedly increases the accuracy of positive identification. Confidence of the eye-witness is boosted. In standard sequential line ups, only one suspect is shown at a time [3]. These line-ups should not be trusted entirely. Possibility of a mistaken identity cannot be eliminated. Accuracy is not enhanced. Only choices are made conservative. Undesirable when police have a guilty suspect [3]. A good alternative is to use double-blind sequential line-ups to curb the disadvantages of using an only sequential line-up.

Single and Double-Blind Line-Ups

Line-up administering officers are usually aware of the identity of the suspect. This is known as a single-blind line-up. Only one person or party is blind to the identity of the suspect. Identity is known to administering officer, not to the eye-witness [7,8].The administrator may consciously or unconsciously give clues to the witness. Latter's decision can be influenced during the identification of the suspect. An innocent person may be wrongly convicted. To combat this problem, researchers have proposed to use a new technique- the double-blind line-up procedure. Both parties are unknown to the identity of the suspect [7,8]. While most line-up procedures increase the rate of positive identification, the double- blind line-up procedure reduces the rate of mistaken identifications [5,6]. Inefficiency of single line-ups and emphasizing on Double line-ups are as follows:

Colin Warner Case (April 1980 - Brooklyn, New York): Mario Hilton was shot on the neck and killed. Thomas Charlemagne saw this incident. He told Mario's brother Martell. Complaint was made in the police station. Questioning of the 2 boys was done for 6 hours. Allegedly, Thomas had seen Colin Warner shooting Mario and fleeing with Norman Simmonds in a car. Photo line-up was shown to Martell. No identification could be made. Then Colin's photo was shown alone. A pressurized identification was made. Warner convicted on the 2 boys' statements on May 1982. In 1991, Simmonds signed an affidavit indicating that he murdered Mario Hamilton [7,9].

Colin Warner Exonerated in 2001 Having Spent 20 Years in Prison

Troy Davis Case (19th August, 1989 - Savannah, Georgia)

Mark MacPhail was shot and killed in a fight outside Burger King Restaurant. He died protecting a homeless man. Davis' presence at the scene made him the suspect. He fled Savannah the next day. He was also allegedly present in a party where Michael Cooper was shot and killed. Pistol used in both cases was same. Police was told about Davis by Sylvester Sholes. Davis was arrested. More people from both crime scenes were questioned. About 7-9 witnesses were collected for line-up based identification. Coerced identification and statement was procured. When the case was nearing its close, 7 out of 9 witnesses stepped back stating flawed evidence. This included the illiterate, homeless man whom Mr. MacPhail was protecting [10]. Davis was innocent but received death penalty. Execution by lethal injection on 21st September, 2011. One of the 2 witnesses who maintained their testimony was Sylvester Sholes. It was later proved that he was the culprit. Pistol possessed by him was same as used in the killings [10] (Figures 2 & 3).

Figure 2: The alleged culprit Colin Warner.

Figure 3: The alleged culprit Troy Davis.

Caryl Chessman Case (January 1948 - Los Angeles, California)

In January 1948, many robberies were reported in Los Angeles. On 3rd January, 2 men robbed a haberdashery with a 0.45 calibre, semi-automatic pistol. On 13 January, a Ford Coupe was stolen. On 18 January, a man reported that the occupants in a Ford Coupe robbed another vehicle's occupants using a 0.45 calibre pistol. The same day another couple was robbed in the same way [11]. On 19th January, another couple was robbed. The woman, Regina Johnson was assaulted. On 22nd January, a fourth couple was attacked. Female victim Mary Alise Meza dragged to the car. Car driven by male victim per the directions of the assailant. Meza assaulted in a lonely place. Same day, police nabbed 2 occupants in a Ford Coupe. Descriptions matched positively. The occupants were Caryl Chessman and David Knowles. Suspects interrogated for 72 hours. Chessman

confessed. Positively identified by Johnson and Meza. No incriminating evidence against the suspects. Knowles released but the police deliberately held Chessman guilty in 18 more cases of robbery, rape and kidnapping. A photo line-up was used. Witnesses were suggested and coerced to make identification. Chessman convicted in 17 out of 18 cases. Sentenced to death and executed on May 2, 1960 [11].

Antonio Beaver Case (15th August, 1996 - Missouri, Texas)

A white woman parked her car and was coming back to work. She approached a man mistaking him as a parking attendant. The man suggested moving the car to escape towing. She walked back to the car. The man followed and attacked her with a screwdriver. The woman struggled, threw away the purse and fled from the scene. While exiting, she saw the man bleeding and blood inside driver's side door. Police was called up. Perpetrator described as a clean- shaven African - American. Wore a baseball cap, 5'10" tall, Gap between teeth, sketch was prepared. Police recovered victim's car. Latent prints and swabs of blood collected. 6 days later, a detective arrested Antonio Beaver who resembled the sketch. Beaver had a full moustache. 6'2" tall, chipped teeth. A line-up with of Beaver and 2 police officers was organized by the same detective. Only Beaver and the other police officer wore baseball caps. Beaver was the only one with defects in teeth. Victim made the identification. Fingerprints recovered from the car did not match with those of Beaver. Sentenced to 18 years in prison based on eye- witness statement [12]. In 2001, Blood used for DNA testing and Beaver exonerated [12].

Larry Fuller Case (26th April, 1981 - Texas)

A woman attacked in her apartment by a black man with a knife. Cuts made on her body, raped her and fled. Since the incident occurred in the dark, she could not identify the culprit. Somehow confirmed that he was black and in his twenties. Culprit was a stranger without facial hair. Fuller was a veteran of the Vietnam War. Lived with girlfriend and children. After returning from war, he had served 3 years in prison for committing a robbery. No record of sex crimes against him. Investigators got his photo while investigating an incident 3 months earlier than this case, i.e., in January. Similar rape in the vicinity. Fuller was arrested since he matched the victim's description. A photo - array was shown to the victim. No positive identification was found. After some time, a man named Larry James confessed to the January crime. 2 days after the April rape, police presented a photo - array to the victim. A tentative identification was made. 5 days after the first photo line-up, police again showed a second photo line-up. Fuller's photo in it was more recent, only he was common in both arrays. Positive identification was made. No consideration was given to the beard. (She had stated earlier that attacker had no facial hair). The prosecution relied on eye- witness. They stated that she never wavered from her statement. A complex serological testing was conducted. Proved inconclusive since the technology was not advanced [4,13]. Fuller's girlfriend testified

he was at house. Despite his alibi, he was convicted for 50 years on 10th September, 1981. Exoneration in 25th January, 2007 using Y -STR testing. He had already served 18 years in prison [4,13].

Marvin Anderson Case (17th July, 1982 - Virginia)

A young woman raped by a black man. He was a stranger. The perpetrator had told the victim that he "had a white girl". Police suspected Anderson. Anderson had no criminal record. Coloured photo obtained from employer. The victim was shown the coloured photo with 6 other black and white mug shots. Positive identification of Anderson. 1 hour later, the identification was made by a line-up procedure. Anderson was the only person in the line-up whose picture was in the original photo array. The serology work was uninformative. John Otis Lincoln was another black person in the vicinity. Bicycle outside the victim's house was confirmed by its owner from whom Lincoln had stolen it. Anderson convicted for 210 Years in prison. In 1988, Lincoln came forward and confessed. But the judge refused to vacate the conviction. In the years that followed, the sample of sperm obtained was tested for DNA. Anderson was exonerated in 21st August, 2001 and Served 15 years in prison [14].

Barry Gibbs Case (4th Nov, 1986 -Brooklyn, New York)

The body of an African-American woman found in a blanket on Brooklyn Highway. Strangled to death. The New York Police Department assigned the case to Louis Eppolito. As per a witness, a grey car was parked on the Highway. After some time, a white man pulled out a body from the passenger side of the car, put the body on the ground, covered it with a blanket and car sped away. As per sources, Barry Gibbs knew the victim. His apartment was searched. Red jeans was found and witness confirmed as it was worn by the perpetrator. A line-up procedure was conducted and found with no positive identification. But the witness was coerced for identification. Gibbs put to 20 years in prison. During re-investigation, Eppolito and one of his companions emerged as culprits. Gibbs exonerated after 17 years in prison [15].

Habib Wahir Abdal Case (May, 1982 - New York)

A young woman was raped. Assailant described as a black man of height 5'8"-5'10". Space between upper front teeth. Wore a hooded jacket. Victim blindfolded during assault. Abdal was picked up 4 months later. Did not fit the description. A man of 6'2". No gap between front teeth. No immediate identification by victim. Then, a 4 years old photo of the suspect shown. Positive identification in a photo line-up. Hair evidence from the crime scene did not belong to Abdal. Expert opined that different hairs could come from the same person. Abdal sentenced to 20 years in prison. In re- investigation, DNA testing was conducted. Exoneration after 16 years in prison [16].

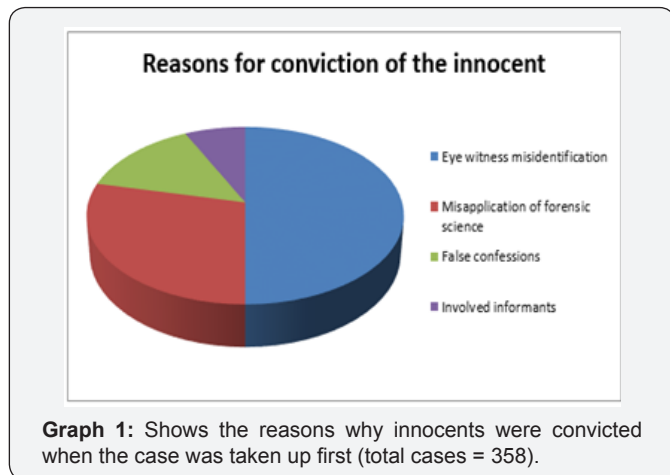## Jerry Miller Case (16th September 1981 - Chicago, Illinois)

A woman walked down to the parking lot on Rush Street, Chicago where her car was parked. She opened the car door and

was pushed into the car. The perpetrator beat her, took the money and brutally raped her. Victim forced into car trunk. Perpetrator drove. The parking lot cashier recognized the car. Grew suspicious. Stopped the car and went to get another employee. Perpetrator fled on foot. When the 2 employees came, they heard the victim yell from the trunk. She was rescued. Sketch prepared. Jerry Miller suspected. He was seen by an officer peeping into a parked car. No criminal record. Arrested on suspicion. The victim was questioned. Her eyes were closed during the incident as ordered by the assailant. A photo array of young black men in early twenties was shown. No positive identification. In a line-up, tentative identification was made. A positive identification was obtained by coercion. Sperm collection was done additionally. Inconclusive. Miller and his father testified their alibi. Miller convicted on 1st Oct, 1982 for rape, robbery and kidnapping. In a re-investigation in 2005, DNA testing of the semen sample was done. Proved Robert Weeks as the real perpetrator. Miller exonerated on 23rd April, 2007 after 25 years in jail [6,17].

Steve Titus Case (12th October, 1980 - Seattle, Washington)

Titus and his fiancé were going out for a dinner. At around 6:45pm, an unnamed 17 year-old female hitchhiker reported rape to police. Description of perpetrator as a 25-30 year-old bearded man. Royal blue car with cloth seats. Temporary license plates. Titus' car resembled the description. Arrested and booked on charge of rape. Police had already told the victim that culprit was arrested. Since then, the victim had been thinking about the culprit. So, when she was shown the photo, she immediately ceded to police suggestion and identified Titus as her attacker from a photo line-up. Titus convicted of rape [18]. In all these cases, the police framed an innocent in order to rush through the case. The cases ended quickly. The guilty walked away freely. Victims are traumatized by the experience that they have had. This makes them unable to take rational decisions and think logically. Many times, undue advantage is taken of this condition to coerce them to identify and testify against the (innocent) perpetrator in the Court of Law.

Statistical Data

**Graph 1:** Shows the reasons why innocents were convicted when the case was taken up first (total cases = 358).

From 1992 to 2018, 358 cases have been taken up again and solved using DNA evidence because when the case was taken up first, the innocents had been convicted. The approached the Innocence Project for justice (Graph 1).

Out of the 358 Cases

a. 71% cases involved eye-witness misidentification

b. 45% cases involved the misapplication of forensic science

c. 28% cases involved false confessions

d. 16% cases involved informants

Eye-witness misidentification contributed a huge 71% of the cases (258 cases or approximately 3/4th of the total cases where DNA exoneration was conducted) (Graph 2).

Graph 2: Shows the factors leading to eye-witness misidentification (Total cases = 258).
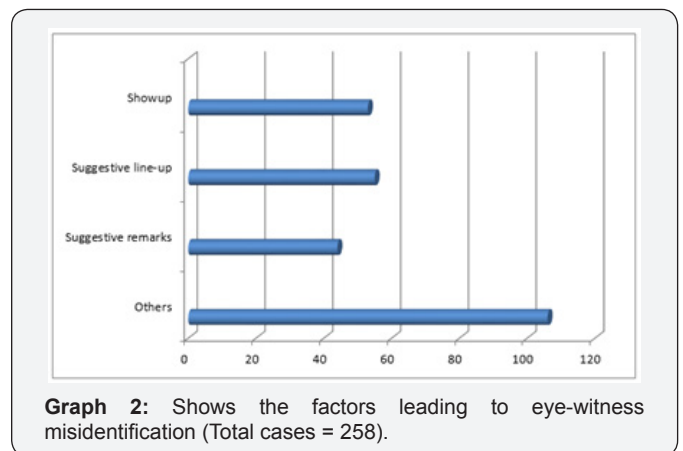
Out of the 258 Cases

44 cases were based on suggestive line-up or single blind line-up, 55 cases were based on suggestive remarks by the administrator to the eye-witness 53 cases were based on show-ups and photo line-ups. In most of the photo line-ups, either only the photo of the innocent was shown to the eye-witness or more than one round of photo line-up was conducted but in all the rounds, the photo of the innocent was constant. The eye-witness formed a mental image of the person was being the culprit. This amount to a total of 152 out of 358 cases. If double blind line-ups (or photo line-ups) were employed in these 152 cases, then the false identification could be prevented. Though it does not guarantee the arrest of the culprit, it will let go off the innocent.

The double-blind line-up, unlike the single-blind line-up, applies the scientific procedure to the process of line-up identification. It ensures the objectivity of the results so obtained. Researchers have proposed the use of double-blind line-ups because both, the administering officers as well as the witness are unaware of the true identity of the suspect. This can help in reducing the rates of false identification. But this does not mean that double-blind line-ups should only be employed in a line-up procedure. Sometimes, it can also result in the culprit walking away freely because no positive identification could be made. So,

double-blind line-ups can be combined with sequential line-ups so that the efficiency of the eye-witness' identification does not become a matter of concern during a case proceeding.

References

1. https://en.wikipedia.org/wiki/Eyewitness_testimony.

2. https://www.northernplainsjustice.com/library/three-types-of-witness-identification-in-criminal-cases/.

3. https://en.wikipedia.org/wiki/Police_lineup.

4. The Justice Project booklet; Eyewitness identification-A Policy Review, Washington, USA.

5. Gary L Wells, John W Turtle (1986) Eye-witness identification-The importance of Line up models; Psychological bulletin 99(3): 320-329.

6. Schuster Beth (2007) Police Line-ups-Making eye-witness identifications more reliable; NIJ Journal 258.

7. Dario N Rodriguez, Melissa A (2013) Berry Eyewitness Science and the Call for Double-Blind Lineup Administration. Journal of Criminology

8. Margaret Bull Kovera and Andrew J Evelo (2017) The case for double-blind line-up administration. 23(4).

9. https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3718.

10. (2011) Troy Davis case shows need for eyewitness identification reform.

11. https://en.wikipedia.org/wiki/Caryl_Chessman.

12. https://www.innocenceproject.org/cases/antonio-beaver/.

13. https://www.innocenceproject.org/cases/larry-fuller/.

14. https://www.innocenceproject.org/cases/marvin-anderson/.

15. https://www.innocenceproject.org/cases/barry-gibbs/.

16. https://www.innocenceproject.org/cases/habib-wahir-abdal/.

17. https://www.innocenceproject.org/cases/jerry-miller/.

18. https://www.law.umich.edu/special/exoneration/Pages/casedetailpre1989.aspx?caseid=331.