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HEADLINE: Improved eyewitness accounts sought;
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BYLINE: Katie Mulvaney, Journal Staff Writer

HIGHLIGHT:

Eight-member panel is established to consider ways to improve eyewitness accounts and testimony

BODY:

PROVIDENCE Work is under way for a task force charged by state lawmakers with recommending ways of improving the accuracy of police eyewitness identification practices.

The General Assembly last session passed a measure creating an eight-member panel of law-enforcement officials, defense lawyers and other stakeholders to identify procedures aimed at preventing mistaken eyewitness identification, a leading cause of wrongful convictions.

The group held its first meeting Thursday, with Rhode Island public defender John J. Hardiman; Deputy Attorney General Gerald J. Coyne; Andrew Horwitz, of the Rhode Island Association of Criminal Defense Lawyers; Michael D. Evora, of the Rhode Island Commission for Human Rights; and Central Falls Col. Joseph P. Moran III, head of the state police chiefs association, among others, in attendance, Hardiman said. It must submit a report recommending guidelines for policies, procedures and training with respect to handling eyewitness evidence in criminal investigations by Jan. 11 to the governor, the chief justice of the state Supreme Court, and legislative leaders.

I think everybody s looking to fulfill the goals of the statute, Hardiman said.

The panel plans to bring in experts from the Innocence Project, an advocacy group that works to free wrongly convicted people; professors specializing in misidentification and memory; and law enforcement officials from areas that have instituted standard eyewitness identification procedures, Hardiman said. The practices the group will consider at its biweekly meetings include having a police officer with no connection to a case administer a lineup; establishing a set policy for how a lineup should be conducted; and whether photos should be presented to a witness one at a time, or collectively.

Mistaken eyewitness identification is the leading cause of wrongful convictions in the United States, according to the Innocence Project. Of 252 people exonerated with DNA evidence, 79 percent had been mistakenly identified by a witness.

Eyewitness testimony can be the most compelling evidence a jury hears, but social scientists say stress, gaps in memory or the desire to make identification at all costs can lead to mistakes. As a result, the police may unwittingly focus on building evidence against an innocent person while the perpetrator gets away.

A 2007-2008 survey of criminal defense lawyers in Rhode Island, conducted by the Rhode Island Office of the Public Defender, revealed at least seven cases in which a person who was wrongfully convicted or charged based on mistaken eyewitness identification was later cleared, said Michael DiLauro, president of the Rhode Island Association of Criminal Defense Lawyers. Those cases include a Pawtucket man indicted for rape after being identified by the victim; he was cleared by DNA.

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NOTES: kmulvane@projo.com / 277-7417

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