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Controversial Chicago Police Line Up Data to Remain Hidden, Plaintiffs to Appeal

Experts Suspect Taxpayer-Funded Study Used Defective Methodology

More than 50 Illinois wrongful convictions linked to flawed lineups

(CHICAGO) A Cook County Circuit Court granted the National Association of Criminal Defense Lawyers (NACDL) limited access to the data and other materials related to the Chicago Police Department's controversial report that found that current eyewitness procedures—those that use traditional line ups where all suspects stand in a room together—are more effective than new procedures used in other American cities to reduce errors that can lead to wrongful convictions.

"The Court has dealt a blow to the public today. We will appeal the decision and continue to demand that the Chicago Police turn over all of the data and case files behind a report that contradicts vast amounts of research on lineup procedures," said Scott Ehlers, state legislative director of NACDL, the plaintiff in the lawsuit. "We can't conduct a thorough, scientific review of this information without access to all of the data used to reach the conclusions set forth in this report."

The Roderick MacArthur Justice Center, on behalf of the National Association of Criminal Defense Lawyers (NACDL), first requested the data on which the report's findings were based but that request was refused or ignored by all police departments involved.

"The fact that this data will continue to remain a secret is shameful," said Locke Bowman, legal director of the Roderick MacArthur Justice Center. "We will continue to do everything in our power to get access to this information."

In February 2007, they filed a lawsuit in state court seeking a court order directing the police departments involved—Chicago, Joliet, Evanston and the Illinois State Police—to turn over the underlying data from the taxpayer funded report. Evanston is currently the only municipality that has agreed to turn over their data.

Today the Court ordered the Chicago Police Department to turn over a small portion of data related to closed cases but denied the legal and scientific communities access to the majority

the decision since a thorough review of the study can't be conducted with only a partial release of information. According to the suit, the Chicago Police Department has failed to show how releasing data on not-yet-closed cases will interfere with law enforcement if the names are redacted.

"Most wrongful convictions have been based on faulty identifications.
We're very disappointed that the Court has denied us access to the underlying data. Peer review is an important safeguard which helps ensure the reliability of any scientific study, and without all of the data, a thorough review cannot be conducted," said Carmen Hernandez, president of NACDL.

In Illinois alone, 54 innocent people have spent a total of 601 years behind bars because of erroneous eyewitness convictions, according to an analysis by the Center on Wrongful Convictions. Other cities have instituted procedures in which witnesses view one suspect at a time under the supervision of an officer who does not know who the suspect is in the line up.

"There's clearly a problem with current lineup procedures that have put innocent men behind bars and left criminals free to walk the streets," said Locke Bowman, legal director of the Roderick MacArthur Justice Center. "This data, in its entirety, is key to furthering the public debate about the best way to conduct lineups and reduce wrongful convictions. We will appeal the Court's decision."

The Illinois report astounded many people in the legal and scientific communities because previous research has shown that updated identification procedures can significantly lower the rate of erroneous eyewitness identifications.

In an effort to reduce wrongful convictions, experts have tested new methods for eyewitness identification that have proven to be more accurate. The Illinois report, released in 2006, finds that traditional lineups are more effective than these new methods and contradicts previous research on eyewitness identification, but many legal experts and professionals suspect the research is flawed.

"Legal evidence and public policy should be based on sound science. The Illinois Study has again failed to meet standards for scientific credibility," said Nancy Steblay, expert of eyewitness identification procedures and professor at Augsburg College. "A Blue-Ribbon Panel of eminent scientists previously judged the study's method to be fatally flawed and thereby incapable of answering its research question. Now the Chicago Police Department is unwilling to share the complete data necessary for evaluation of the study's purported findings. It is time to set aside the Illinois study and to firmly reject the unsupported claims of its proponents."

"Wrongful convictions in Illinois have been far too commonplace," said Bowman. "If the data supports the report's findings that traditional lineups work better than reform methods, the Chicago Police have nothing to hide. But if the data doesn't support those findings, it's time for the Chicago Police Department and departments around the state to change the way they handle eyewitness identifications."

NACDL and the Roderick MacArthur Justice Center held a press conference today to discuss the Court's ruling and next steps for analyzing the data. Robert Wilson, who spent years behind bars because of false identification, attended to tell his story and to call for changes in the way lineup procedures are handled.