

Researchers clash over accuracy of the police lineup

Reform crucial to cutting false convictions, some say

By Angela Rozas
CHICAGO TRIBUNE

CHICAGO — The police lineup is the stuff of television and movie legend. Five or six guys stand in a one-way mirrored room, while the witness shakily points to the sullen man with the number five on his chest.

The traditional lineup has been under attack in recent decades, however, as social scientists studying laboratory research said that showing suspects one at a time — in person or in photos — would result in more accurate identifications.

But last year, a study of an Illinois pilot program stunned academic, law enforcement and legal experts when it found just the opposite — that lineups in which witnesses viewed one suspect at a time actually caused more false identifications.

Now, a new report by a panel of social scientists has panned the Illinois study as critically flawed in design and thus impossible to interpret. A paper published online this month in an American Psychological Association journal calls for more field studies.

At issue is what some say is a critical flaw in the criminal justice system. As many as three-fourths of inmates who have been cleared of wrongdoing through DNA tests had been convicted in part because of faulty identifications by crime witnesses, according to re-

searchers about the Illinois study was that its design was flawed because too many variables were tested at the same time, according to the online paper. The Illinois study compared lineups that differed in how many people were shown to a witness at one time and whether the person administering the lineup knew the identity of the suspect. According to the new report, knowing the identity of the suspect could sway the witness and alter the reliability of their identification.

As many as three-fourths of inmates who have been cleared of wrongdoing through DNA tests had been convicted in part because of faulty identifications by crime witnesses, according to researchers.

Some researchers say lineup reform is crucial to reducing false convictions. The Illinois pilot program was mandated as part of a package of death penalty reforms.

Yet opponents of overhauling police lineups in two states, Rhode Island and New Mexico, used the Illinois report to buttress their argument that the reforms weren't necessary, if not potentially harmful.

While the debate raged on, a panel of social scientists and experts, including Nobel Laureate Daniel Kahneman of Princeton University, who had no previous stake in the issue, started a peer review of the study. They analyzed the Illinois pilot program's report and critiques and support of the report before writing the review, which is being published in the APA's *Law and Human Behavior* journal.

New field studies on lineup methods are already under way, said Matt Epstein, director of the American Judicature

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Sunday, April 3, 1988

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Multiple shots to head killed Valley socialite

By Tina Daunt,
Ruthanne Gilbert
and Victoria Stevens
The Arizona Republic

Socialite Jeanne Tovrea, who was found slain in her posh northeast Phoenix estate early Friday, died of multiple gunshot wounds to the head, the Maricopa County medical examiner's office reported Saturday.

A source close to the investigation said the incident, which originally was thought to be a burglary that went awry, may have been a planned homicide.

Phoenix police, however, refused to discuss the case, and neighbors of the dead woman said they had been told by officers not to talk to reporters.

Police spent Saturday interviewing friends and family. Officers combed the mountainous area behind Tovrea's estate, looking for any evidence that might lead to the killer.

Tovrea, 55, was the widow of Edward Tovrea Sr., a wealthy pioneer Valley cattle baron.

Phoenix police spokesman Andy Hill said Saturday that Jeanne Tovrea's security system, operated by Central Alarm, had sounded Friday at 12:46 a.m. He said police were on the scene approximately 10 minutes later.

Although residents in the Lincoln Hills development said Saturday that news of the slaying was upsetting, most added that they feel security in the area is adequate and that they are not fearful for their lives.

Anna Lochhead, a neighbor of Tovrea, said she is "very nervous and apprehensive."

"We are hoping that this is an inside job, that it has nothing to do with a burglary. This is a unique area where everybody has their own little corner of the world. The beauty of it is that you feel safe when you are at home. People don't want to live day and night with their security system on."

— Unidentified neighbor

"When it's so close to home and death is involved, it really shakes you up," she said.

David Secundo, a former president of and adviser to the Lincoln Hills Home Owners Association, said the association's seven-member board discussed the incident at its monthly meeting Friday evening.

The board determined that residents don't need to take special security precautions, because security in the area is excellent, he said.

"We've lived here for four years and always have felt very secure. That hasn't changed," said Secundo, who lives near the Tovrea residence. "We're not worried."

Lu Rothschild, a resident of Lincoln Hills Estates, said the slaying

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in Phoenix estate; burglary suspected

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before police are notified as a means of reducing fees for false alarms.

Morgan also said the alarm is an audible one and could be shut off by a key pad near the bed in the home's master bedroom. The alarm was still ringing when officers arrived.

Sources said the home was equipped with more than one type of alarm, at least one of which could be triggered by a loud noise.

When police arrived at Tovrea's home, they noticed that someone had forced entry into it and called for a canine unit. A police dog accompanied by an officer entered the home and found Tovrea's body, Hill said.

Other sources said Tovrea was shot to death, but neighbors said they did not hear any shots or the alarm.

"Everybody is very upset about it," said Ryland Rothschild, who lives nearby.

"We're in a security area. We have a gate that's manned 24 hours a day by a guard."

A close friend commented, "This has all of her friends completely puzzled. She didn't have any enemies. Everyone loved her."

If Tovrea was killed by a burglar, at least one female friend wasn't surprised.

"Everyone knew by looking at her she had money," the friend said. "The jewelry, the clothes, the car. She was too public with it. And Jeanne was a fighter. If she interrupted him, I'll bet she went after him."

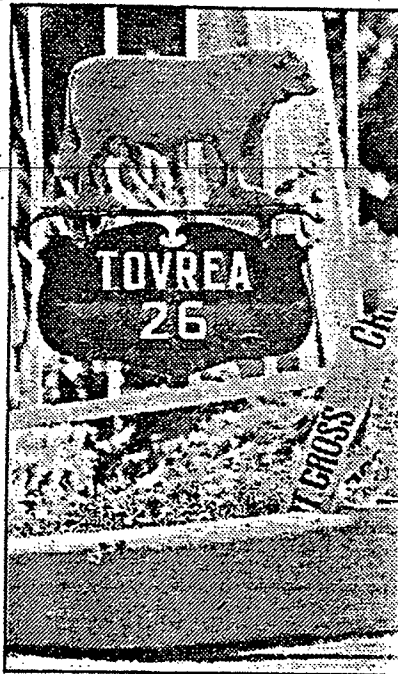
Another close friend of the victim doubted the burglary aspect. She said that Tovrea, like many single women, always locked her bedroom door as well as the rest of the house. She also said that in the quiet subdivision, a gunshot would have been heard by neighbors.

The area's rugged terrain now has become an obstacle for investigators.

Police combed the Squaw Peak Recreational Area, which adjoins Tovrea's back yard, with helicopters, dogs and officers on foot for clues, Hill said.

Asked whether the assailant could have entered and fled through the mountains, Rothschild, the neighbor, said, "Yes, it's possible, but it's a rugged trip."

Police sources, who asked not to be identified, said investigators have ruled out the possibility that the slaying is connected to a string of burglaries of exclusive homes in northeast Phoenix, Paradise Valley and nearby areas of Maricopa County.



Jeanne Tovrea was the widow of Valley cattle magnate Edward Tovrea Sr., who died in 1983.

have been pulled off while the victims were home and awake, and their burglar alarms were turned off. No violence has occurred in those burglaries.

Phoenix police, meanwhile, are investigating a number of leads, ranging from allegations that the slaying was the work of a jealous wife of the Las Vegas friend of Tovrea to tips that the slaying was related to Tovrea's extensive collection of jewelry.

People who knew Tovrea well described her as very private and closemouthed about her personal life. Friends say they know nothing about her past before she married Edward Tovrea except that she was a native of Arkansas.

After the death of her husband in 1983, Jeanne Tovrea seldom dated, those sources said. She frequently was seen with Bob Goldwater and Sun Lakes developer Ed Robson, but these men were "just escorts," friends said.

Lately, however, Jeanne Tovrea had been telling her chums that she was "madly in love" with a man she had known for about 30 years. He was from Las Vegas, the friends said, and reportedly was in the process of getting a divorce.

Danny Medina, publisher of Trends, a Scottsdale society magazine, said that he had lunch with Tovrea on Thursday and that she had recently

for heist she didn't commit

By JJ Hensley and Lindsey Collom
THE ARIZONA REPUBLIC



Rachel Jernigan

For the past seven years, Rachel Jernigan insisted she was always a homemaker, never a bank robber. The 38-year-old was released from federal prison Tuesday night after another woman confessed to the crime.

On her first day of freedom, Jernigan got her hair done and went to church with her four children, who

"From the beginning, I told the FBI man it wasn't me," Jernigan said. "That there was going to continue to be bank robberies after they locked me up."

And there were. Federal court records show that, in September 2000, a Bank of America branch in Gilbert was robbed by a short, Hispanic-looking woman with an acne-marked face who was posing as a customer. The robber passed a sloppy, handwritten demand note to the teller, threatening violence. The teller

FRONT PAGE

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Mom freed; served 7 years for heist she didn't commit

ROBBER

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gave her the money, and the robber fled without saying a word.

In the weeks that followed, two more BofA branches in Chandler and Tempe were robbed by a woman fitting the description of the Gilbert robber and using a demand note with similar language.

Mistaken identity?

Court records show that Jernigan became a suspect after a "chance conversation" between an FBI agent and a postal inspector who was investigating Jernigan in connection with shoplifting incidents at a post office. The postal inspector noted that Jernigan fit the bank robber's description, and she became the focus of the FBI investigation once the agent compared her photo with grainy surveillance images taken from the bank.

Jernigan was taken into custody on Nov. 10, 2000.

Within a month, another short, Hispanic-looking woman with acne robbed a bank in Gilbert and one in Mesa. A year later, a similar robber struck at the same BofA

to the crimes, but her attorney countered that she had been misidentified.

The jury convicted Jernigan of armed bank robbery and for showing a firearm during the heist. She was sentenced to 14 years in prison.

That December, authorities arrested Juanita Rodriguez-Gallegos after a Gilbert Bank of America was robbed. Gallegos' description was nearly identical to that of Jernigan.

Jernigan learned of Gallegos' arrest in 2001 in a prison-yard conversation and immediately notified her attorneys.

By then, FBI agents were aware of the women's similarities, Jernigan's attorneys say, but failed to inform prosecutors or Jernigan's defense team.

An FBI spokesman did not return a call for comment Wednesday.

In July, the 9th U.S. Circuit Court of Appeals ruled that Jernigan should be granted a new trial, given the possibility of mistaken identity.

Court records show Gallegos confessed to the September 2000 robbery in a meeting with federal officials Sunday.

But authorities said her con-

"would likely be confused" by Jernigan's case, reducing the likelihood of conviction. U.S. District Judge Frederick J. Martone granted the dismissal the same day in light of the "unusual circumstances."

"This is a classic misidentification," said Alan Simpson, Jernigan's attorney, who partially blamed the mix-up on a bad photo lineup. "Misidentifications do happen. (Witnesses) aren't being mean or nasty, but psychologically, if you have a bad lineup, that can taint what happens in the courtroom."

A fresh start

For Jernigan, that misidentification meant years of missed birthdays and celebrations with her large Arizona family.

It nearly meant the end of her marriage.

But Tuesday night, as she fell into her family's arms at a Goodyear McDonald's, all that washed away.

"It's so amazing, I can never explain to you what I felt in my heart," Jernigan said. "I was so overwhelmed, and I wanted to continually keep holding my daughter. I slept with her all night."

Man imprisoned for rape is freed by DNA test

After spending nearly 23 years in prison for a rape he did not commit, Thomas Clifford McGowan on Wednesday heard the words that set him free.

"Words cannot express how sorry I am for the last 23 years," said state District Judge Susan Hawk, moments after overturning his convictions. McGowan, 49, won his freedom after a DNA test this month proved what he had always professed: that he did not rape a Dallas-area woman in 1985 and then burglarize her apartment. He was convicted of both crimes in separate trials in 1985 and 1986 and sentenced to life each time. The primary evidence against him turned out to be misidentification by the rape victim.

— Wire services

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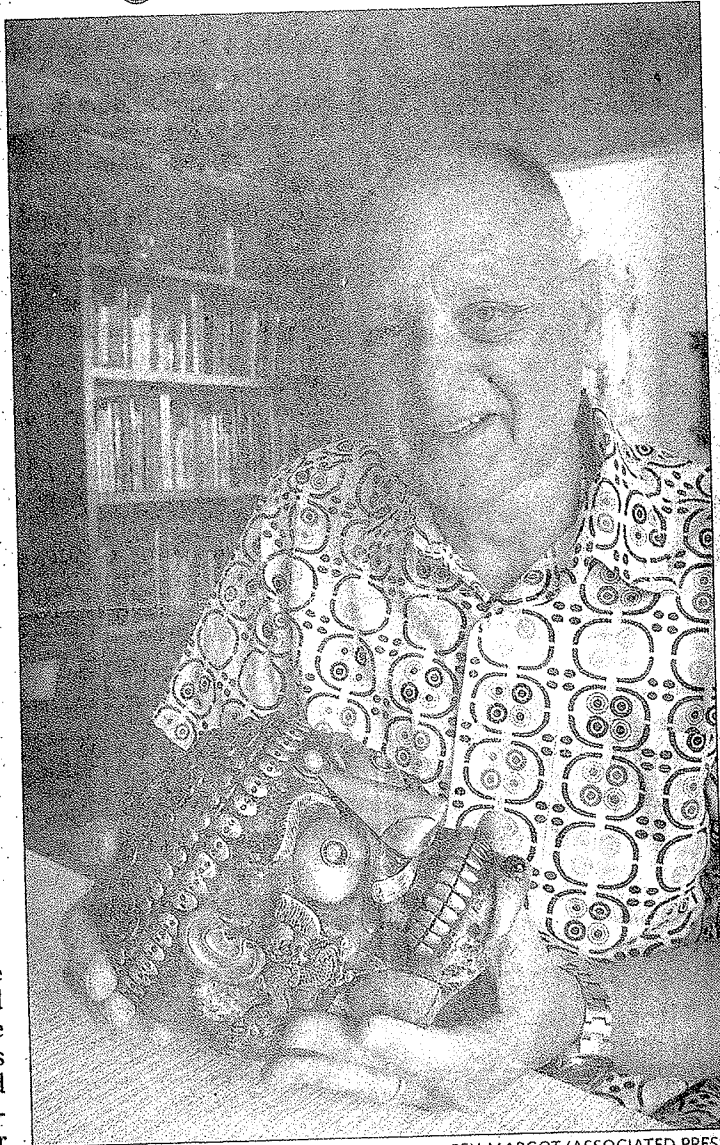
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Dr. A. Jay Chapman
Former Oklahoma medical examiner

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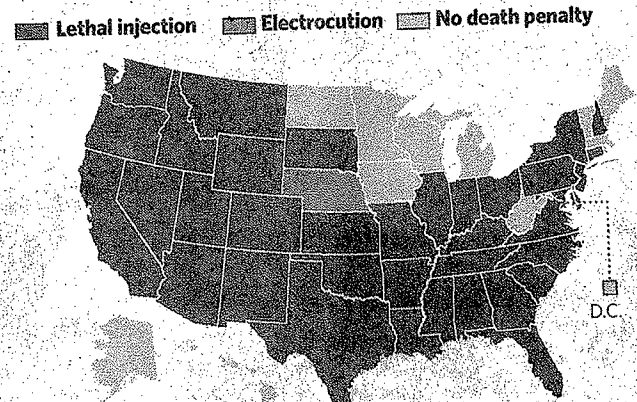
Dr. A. Jay Chapman concocted the original formula for lethal injections in Oklahoma 30 years ago and still supports it.

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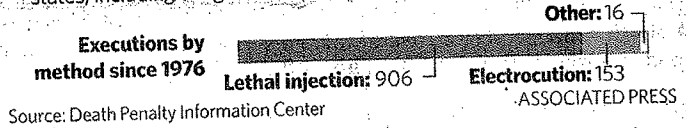
Chapman said he consulted a toxicologist and two anesthesiologists. But he said it didn't actually require much research because the three chemicals — a painkiller, a muscle-paralyzing agent and a heart-stopper — are well-carried to an extreme." Chapman began thinking about a more humane way to mete out the ultimate punishment in 1976, after watching the debate in Utah over whether to execute killer Gary Gilmore by firing squad

Most states use lethal injection

Of the 38 states that practice execution only Nebraska solely uses electrocution to exercise the death penalty.



NOTE: Under certain circumstances other methods may be used in some states, including the gas chamber, firing squad or hanging.



ividly, down to the corduroy jacket Chapman wore that day.

"It was very simple and straightforward," Wiseman said.

Wiseman, a death penalty foe, nonetheless voted to reinstate capital punishment "because I didn't want to lose the next election."

But he later introduced the bill establishing lethal injection as the method to soothe his guilty conscience. Previously, Oklahoma used the electric chair.

Wiseman said he now regrets introducing the world to lethal injection, because it makes capital punishment less gory and thus more acceptable.

Chapman, for his part, said he was surprised by how widespread his concoction

until recently, he had stopped thinking about his role in dramatically changing the way executions are carried out in the United States.

"He is a man whose fame has come late and bizarrely," said Jamie Fellner, director of the anti-death penalty U.S. arm of Human Rights Watch. "I think Chapman proceeded in good faith. But the notion that you can have a humane execution is an oxymoron."

The American Medical Association and other doctors groups say medical ethics bar physicians from taking part in executions. Chapman is a rarity among physicians in playing such a central role in capital punishment.

If states are looking for a way to quickly and painlessly put someone to death, he has a suggestion.

"There is absolutely noth-