

## 2007 Georgia Innocence Project Law Enforcement Survey

In June 2007, the Georgia Innocence Project (“GIP”) attempted to contact every law enforcement agency in Georgia to collect information on how those agencies collect eyewitness evidence. Specifically, GIP requested information from each department on whether it conducted eyewitness identification procedures, and if so, whether that department had written policies governing the collection of this type of evidence. Open Records requests were sent to approximately 500 law enforcement agencies<sup>1</sup> statewide.

Due to cost factors and the failure of approximately 100 agencies to respond to the Open Records request, 355 agencies are used as the data set for calculating the percentages contained in this report.<sup>2</sup>

### OVERALL FINDINGS

82.0% (291) – agencies with no written policy governing the collection of eyewitness evidence using live or photographic lineups or one-on-one show-up identifications

18.0% (64) – agencies with written policy covering at least one method of collecting eyewitness evidence

11.5% (41) – agencies with written policy governing collection of eyewitness evidence using all three methods (live and photographic lineups and show-up identifications)

5.9% (21) – agencies currently revising written policies regarding the collection of eyewitness evidence

11.0% (39) – agencies indicating they receive training in the collection of eyewitness evidence from Peace Officer Standards Training (POST), the Georgia Public Safety Training Center (GPSTC), or other manuals and training materials (FBI, GBI, Ga. Law Enforcement Handbook, etc.)

14.4% (51) – agencies reporting that they do not independently perform identification procedures. These agencies obtain assistance from other agencies in collecting this type of evidence or do not collect eyewitness evidence at all.

The following pages address the statistical analysis of how Georgia law enforcement agencies collect specific types of eyewitness evidence.

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<sup>1</sup> Some agencies GIP contacted do not qualify for the purposes of this survey, as they have been absorbed into other agencies, no longer have official law enforcement accreditation, or are not subject to the Open Records statute (i.e., private colleges). To GIP’s best knowledge, 493 accredited law enforcement agencies currently exist in Georgia.

<sup>2</sup> 38 potential responses were not available to GIP because a) quoted costs to obtain copies of the information were prohibitive or b) the agencies claimed to have sent information to GIP but none was received.

### Photo Line-Ups

5.6% (20) – agencies indicating they utilize a computer program to select photographs for photographic lineups.

23.4% (83) – agencies that collect eyewitness evidence using photographic lineups.

17.2% (61) – agencies with written policy specifically covering collection of eyewitness evidence using photographic lineups.

6.2% (22) – agencies that do not have written policy but utilize photographic lineup procedures.

### Live Line-Ups

21.1% (71) – agencies that collect eyewitness evidence using live lineups.

13.5% (48) – agencies with a written policy specifically covering collection of eyewitness evidence using in-person or live lineups.

6.5% (23) – agencies that do not have written policy but utilize live lineup procedures.

### Show-Ups

13.8% (49) – agencies that collect eyewitness evidence using one-on-one show-up identification (victim is asked to identify a suspect shortly after a crime has occurred; normally the suspect has been located or detained near the scene of the crime, and usually this process is conducted near the scene of the crime).

13.2% (47) – agencies with written policy specifically addressing show-up identifications.

0.6% (2) – agencies that do not have written policy but utilize show-up identification procedures.

### Sequestering Witnesses

15.5% (55) – agencies have a general written policy of sequestering witnesses during interviewing/questioning.

12.4% (44) – agencies have a written policy of sequestering witnesses while performing in-person lineups.

12.4% (44) – agencies have a written policy of sequestering witnesses while performing photographic identifications.

11.5% (41) – agencies have a written policy of sequestering witnesses while performing show-up identifications.

9.6% (34) – agencies have a written policy of sequestering witnesses using all three methods (show-up, lineup, photo array).

Recordation of Witness Statements (written notes by officer, video, or audio recording)

24.5% (87) – agencies have a general written policy of recording witness interviews/questioning.

13.0% (46) – agencies have a written policy of recording in-person lineup identification procedures.

2.0% (7) – agencies have a written policy of recording photo array identification procedures.

Witness Statement Forms

13.2% (47) – agencies have general, printed form for taking information from victim/witness/suspect.

3.1% (11) – agencies have a printed statement form designed specifically to collect information obtained during in-person lineups.

5.9 % (21) – agencies have a printed form designed specifically to collect information obtained during photo array identifications.

Witness “First Reaction”

10.1% (36) – agencies have a general written policy of observing and recording in some way the “first reaction” of those being questioned or interviewed, i.e., first statements made and visible emotional reaction and/or demeanor.

0.5% (2) – agencies have a written policy of noting first reactions of those viewing in-person lineups.

3.1% (11) – agencies have written policy of noting first reactions of those viewing photo arrays.

No Leading (instructions not to lead an eyewitness)

10.7% (38) – agencies with general written policy instructing officers not to lead during questioning.

10.7% (38) – agencies with written policy instructing officers not to lead witness during in-person lineup procedure.

10.7% (38) – agencies with written policy instructing officers not to lead witness during photo array identification.

11.0% (39) – agencies with written policy instructing officers not to lead witness during show-up identification.

8.5% (30) – agencies that instruct officers not to lead when performing all three types of identification procedures (lineup, photo array, show-up).

"No Suspect" (advising eyewitnesses that the suspect may not be present during identification procedure)

2.0% (7) – agencies with written policy instructing officers to advise that suspect may not be in live lineup.

5.4% (19) – agencies with written policy instructing officers to advise that suspect may not be present in photo array.

1.1% (4) – agencies with written policy instructing officers to advise that suspect may not be the person being shown to witness during show-up identification procedure, or instructing officers not to say the word "suspect" during show-up identification procedure.

Confidence (noting the confidence level of eyewitness making – or failing to make an identification)

2.5% (9) – agencies with written policy mandating that confidence level be recorded when viewing live lineups.

2.8% (10) – agencies with written policy mandating confidence level be recorded when viewing photo arrays.

0.5% (2) – agencies with written policy mandating confidence level be recorded when making identification using one-on-one show-up identification procedure.

Blind or Supervised (mandating blind administrator perform identification procedure or that identification procedure be supervised by other department personnel who don't know the suspect's identity)

3.9% (14) – agencies with written policy requiring lineups be supervised or performed by blind administrator.

1.4% (5) – agencies with written policy requiring photo arrays be supervised or performed by blind administrator.

## **2007 GIP Law Enforcement Survey**

### **Report Definitions**

This is an explanation of the categories of data the Georgia Innocence Project (“GIP”) collected from Georgia law enforcement agencies statewide. GIP used a broad interpretation of polices when compiling this information in an attempt to get a general understanding and overview of how these agencies collect eyewitness evidence.

**Department** – This column lists each agency surveyed, categorized alphabetically by county. Agencies with an asterisk (\*) serve more than one county. However, for statistical purposes, they are counted only once.

**Respond** – This column summarizes whether GIP was able to obtain enough information from this agency to include it in the statistical analysis. Reasons for an agency being classified as a “non-responder” are detailed earlier in this document.

**No Written Policy** – This column summarizes whether an agency has some form of written policy governing the collection of eyewitness evidence

**POST/GPSTC** – This column indicates agencies that use information and procedures from POST, GPSTC and other trainings as their policy. These agencies may or may not have their own additional polices regarding the collection of eyewitness evidence.

**Computer Programs** – This column shows which agencies use computer programs to select photographs for photographic lineups. The photographs used are usually -- but not always -- booking photos from their own jurisdictions.

**No Lineups** – These agencies affirmatively reported that they do not perform line-ups as part of investigation and rely on other agencies such as the GBI or local Sheriff’s Department to perform those tasks. Those agencies with a double asterisk (\*\*) do perform such line-ups but only with the assistance of other agencies.

**Sequester** – This column shows which agencies have a policy of separating witnesses before questioning them. Many of these departments have a general policy of sequestration, but others have specific policies pertaining to the collection of each kind of eyewitness evidence. The legend at the end of each page of the spreadsheet indicates those specifics for this category as well as those in the remainder of this document.

**Record** – This column shows which agencies have some form of recording witnesses during the identification or interviewing process. This is most often video recording but can be audio recording or written notes made by the investigating officer.

**Stmt Form** – This column shows which agencies have prepared printed forms designed recording in writing eyewitness statements about the crime and/or the identification procedure. Sometimes the eyewitnesses fill out the forms, and sometimes the officers complete them based on verbal information from the eyewitness.

**First Reaction** – This column shows which agencies have a written policy instructing officers to obtain the first reactions of witnesses during general questioning or during specific identification procedures. “First reaction” can comprise anything from first verbal statement to general demeanor to observations of the eyewitness’s emotional state.

**No Leading** – This column shows which agencies have a written policy instructing officers not to lead or give clues to witnesses during general questioning or during specific identification procedures.

**No Suspect?** – This column shows which agencies have a written policy mandating that eyewitnesses be instructed that the suspect may or may not be present in the in-person or photographic lineup, or that the officers are not allowed to say the word “suspect” during a one-on-one show-up identification.

**Confidence Level** – This column shows which agencies have a written policy requiring officers to record the confidence level of the witness when an identification is made. Some departments use percentages, while others use general descriptors.

**Blind or Supervised** – This column indicates which agencies conduct lineups, both photographic and in-person, either using a blind administrator or under the direct supervision of a designated person.