



WINSTON-SALEM POLICE DEPARTMENT

Remote Lineup Application

Project Description

Since their inception, photographic lineups have been a major component of criminal investigations for law enforcement agencies. Eyewitness accounts, supported by a photograph selected from a police lineup, are arguably some of the most powerful evidence submitted in a criminal trial. However, the construction of the lineup and the way it is presented remain controversial.

Take for instance the case of Jennifer Thompson. Just two days after the 22-year-old college student was raped in her North Carolina home in 1984, she positively identified Ronald Cotton as her attacker when she picked his picture out of a police photo lineup. He insisted he was innocent. But after she identified him again at two trials, he was sent to prison for life. More than a decade later, DNA testing proved that Cotton was not guilty. Someone else had raped Jennifer Thompson. Her case is a high-visibility example of the problems that many critics claim are associated with photo lineups. At times, victims are often quite poor at accurately remembering facial features, especially after a traumatic experience. Some people claim that the techniques used by police and prosecutors influence memory, both unintentionally and intentionally, through the ways in which the identification process is conducted.

Traditionally, most law enforcement agencies use a simultaneous photo lineup, which consists of a sheet of six photos all shown together. Witnesses are then asked to pick out the persons who committed the crimes against them. Research has shown that this method sometimes results in witnesses eliminating the photos one at a time and eventually picking the persons that most closely resemble the perpetrators, rather than using their own memory to make the identification.[1]

To ensure fair criminal justice for both victims and suspects in a case, the Winston-Salem, North Carolina, Police Department has implemented a new technology-driven method of creating and showing photographic lineups.

Eliminating Undue Influences on the Identification Process

The new software gives departmental personnel the ability to create a lineup consisting of the suspect and seven filler photographs generated from the existing photo database. Once assembled, the lineup is designated as ready for download to a laptop computer. The case officer downloads the lineup and ensures accuracy of the file. The laptop is then delivered to another officer that will conduct the witness viewing. This officer will not be familiar with the case and will not know the identity of the actual suspect. This procedure is called a "double-blind administration" and addresses misidentifications resulting from intentional or unintentional influences of those conducting the identification procedure.

When the lineup is ready for display, verbal instructions are read, which include the following statement: “The person who committed the crime may or may not be included.” Instructions are displayed on the computer (see figure 1) in either English or Spanish depending upon the preference of the witness.

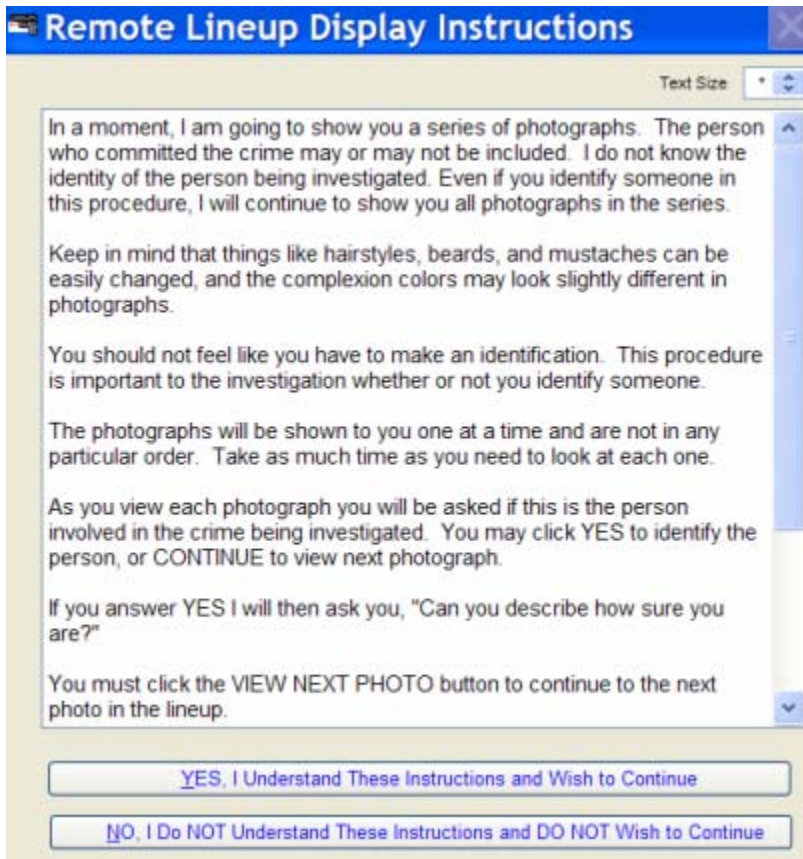


Figure 1

Each picture is viewed individually in a predetermined order along with a written statement asking “Is this the person who _____?” The statement can be tailored to fit each witness. The victim is asked to respond after viewing each photo and has the options to select either YES, or CONTINUE. (see figure 2) If YES is selected the software will request the witness to provide a “statement of certainty” for the selection. The officer showing the line up must document exactly how certain the witness is of the identification. If CONTINUE is selected, the witness is able to advance to the next photo. All eight photographs must be viewed, even if a selection is made. Witnesses may ask to look again at all or just one photo, but not until all eight photos have been shown. Witnesses who request to view a photo again are required to re-examine all eight photos in the same order as before. Photographs will be shown only twice to any one witness, regardless if a selection has been made. If the same lineup is shown to another witness, the order of the photographs will be automatically randomized by the software.

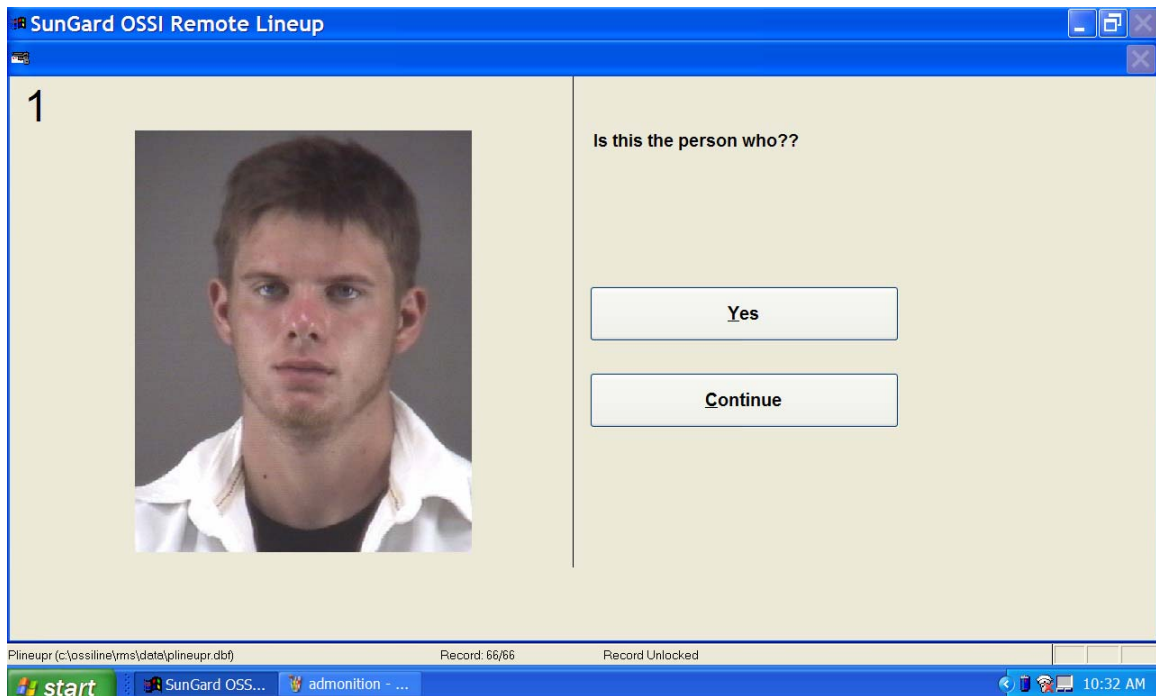


Figure 2

After the witness has finished viewing photos, the software records whether the witness made an identification, including the witness's response to each photo and the amount of time each photo was examined. Also recorded are dates and times as well as the information entered by the officer before showing the line up such as the name of the witness, location shown, and a list of others present during the showing. The completed viewing is then uploaded to the Records Database. The software then generates a report showing the results and stores the report in a PDF file format that cannot be altered, so it can serve as evidence in the case if necessary.

WINSTON-SALEM POLICE DEPARTMENT		01/29/2007 10:34
Case Id: 9999999	Time Shown: 01/29/2007 10:28:30 AM	
Investigator: BOB COZART	Start Time: 01/29/2007 10:32:09 AM	
Shown By: B. G. KIRK 840-14214	End Time: 01/29/2007 10:34:51 AM	
Viewed By: DEMONSTRATION	Lineup Id: 2983	
Location Shown: 725 N CHERRY ST		
Others Present: NO ONE		
Lineup Language: ENGLISH	Multiple View Responses ? : No	
* Image Selected By Victim/Witness: 1		
Position	Image	Name
1		DEHART, BRANDON SCOTT (WM 10/22/1986)
2		AKERS JR, DAVID WAYNE (WM 01/08/1986)
3		BARBER, MICHAEL BRANDON (WM 05/01/1986)
4		ESTEP, WESLEY AARON (WM 04/14/1988)
5		DYSON, CHRISTOPHER DANIEL (WM 06/14/1985)
6		COOK, WILLIAM BURTON (WM 10/19/1987)
7		CARTER, BRANDON RYAN (WM 04/29/1981)
8		BAIN, JAMIE BOYD (WM 07/02/1985)

Case Id: 0000000

Lineup Created By: ID14010

Lineup Id: 2983

Date/Time Created: 01/09/2007 09:48:17 AM

Supervisor Review:

Review Date:

Statement of Crime (Question Presented to the Victim/Witness During Image Viewing):

Is this the person who??

Image Responses:

Image 1) (1) CONTINUE (2) YES
Image 2) (1) CONTINUE (2) CONTINUE
Image 3) (1) CONTINUE (2) CONTINUE
Image 4) (1) CONTINUE (2) CONTINUE
Image 5) (1) CONTINUE (2) CONTINUE
Image 6) (1) CONTINUE (2) CONTINUE
Image 7) (1) CONTINUE (2) CONTINUE
Image 8) (1) CONTINUE (2) CONTINUE

Viewing Durations:

Image 1) (1) 2 Min. 4 Sec. (2) 0 Min. 8 Sec.
Image 2) (1) 0 Min. 2 Sec. (2) 0 Min. 2 Sec.
Image 3) (1) 0 Min. 2 Sec. (2) 0 Min. 1 Sec.
Image 4) (1) 0 Min. 2 Sec. (2) 0 Min. 1 Sec.
Image 5) (1) 0 Min. 2 Sec. (2) 0 Min. 2 Sec.
Image 6) (1) 0 Min. 2 Sec. (2) 0 Min. 1 Sec.
Image 7) (1) 0 Min. 2 Sec. (2) 0 Min. 1 Sec.
Image 8) (1) 0 Min. 1 Sec. (2) 0 Min. 2 Sec.

Development, Implementation, and Reception

This software was developed for a cost of \$10,000 through collaboration with a local software vendor. It was important that it be easily administered while meeting or exceeding all recommendations of the North Carolina Actual Innocence Commission.[2] To this end, during the development process, input was solicited from the local district attorney's office, local defense attorneys, and other law enforcement agencies as prototypes were demonstrated.

This highly innovative approach to police lineups was placed into operation in December, 2006 with tremendous success, allaying the concerns of even the most skeptical detectives within the Department. The WSPD and the district attorney's office have recognized that this application presents very convincing court evidence while also making every effort to prevent wrongful eyewitness testimony. This project stresses the importance of recognizing the limitations of photography and underscores the context in which the photographic images are presented.

The Winston-Salem Police Department continues to seek ways to improve upon its commitment to impart justice to both suspects and victims alike.

[1] See Gary L. Wells et al., "Eyewitness Identification Procedures, Recommendation for Lineups and Photospreads," *Law and Human Behavior* 22, no. 6(December 1998): 603-647.

[2] See the North Carolina Center on Actual Innocence, Durham, North Carolina, <http://www.law.duke.edu/innocencecenter/index.html>