

# New Standards Limit Eyewitness Misidentification



The Roanoke (VA) Police Department has been CALEA Law Enforcement Accredited since July 1994, and we continually strive to maintain our reputation for professionalism by staying ahead of emerging law enforcement practices. One of the most recent and important of those dealt with finding ways to limit eyewitness misidentification.

We understand the vital role eyewitnesses play in the administration of justice; however, we recognize that eyewitness identifications have drawn criticism in recent years. Taking steps to address this issue and prior to the formal adoption of CALEA's Law Enforcement Standards **42.2.11** and **42.2.12** in December 2008 on using lineups and show-ups, the Roanoke Police Department conducted a thorough review of all available literature, and with the guidance provided by the proposed new standards, we adopted policies and procedures that would minimize, to the greatest extent possible, eyewitness misidentification.

Revising our policy on eyewitness identification involved a review of numerous studies, including articles published by the Innocence Project, the National Institute of Justice (NIJ), and by recognized experts in the field of eyewitness identification; model eyewitness identification lesson plans; model policies; and numerous state and federal cases relating to eyewitness identification. Although the recommendations for improving eyewitness identifications do not all share the same conclusions, they do share many of the same suggestions for eyewitness identification procedures.

The revision to our witness identification policy incorporated the research findings that served to best protect against misidentifications. One of the critical decisions we made was to select a procedure that limits the impact of relative judgment in eyewitness identifications. In an effort to reduce the opportunity for relative judgment to occur, we adopted the sequential lineup

procedure. In a sequential procedure, the eyewitness views one lineup member at a time and the eyewitness must decide whether that person is the suspect prior to moving on to the other members of the lineup.

We also decided to incorporate the double-blind lineup procedure out of concern that the lineup administrator could influence the eyewitness if the administrator knew the identity of the suspect. In a double-blind lineup procedure, the administrator does not know the identity of the suspect. This procedure serves to eliminate any such influence that some experimental studies have shown to exist.

We have used the sequential double blind method over 40 times since our policy revision. Although not all lineups resulted in a positive identification, in those instances which resulted in a positive identification, charges have been placed or the cases resolved and there have been no known misidentifications. To date, the sequential double blind process has not been challenged in court. Further, the adoption of this process has not been a taxing burden to department resources, a concern raised by several studies.

Although the Roanoke Police Department has had no issues with misidentifications, we believe it is critical to constantly strive to develop and adopt those professional practices that best serve the criminal justice system and the citizens we are sworn to protect. We contribute our continuing success in part to the policy revisions based on the newest guidelines established by the CALEA Standards; again, clearly demonstrating, that Accreditation Works.

Author

Phil Patrone, Accreditation Manager; Deputy Chief Chris Perkins; and Capt. Curtis Davis  
Roanoke (VA) Police Department