

The House Committee on Judiciary Non-civil offers the following substitute to HR 1071:

A RESOLUTION

1 Urging all law enforcement agencies of this state to develop and implement written policies
2 for conducting showups, photographic lineups, and physical lineups setting forth the manner
3 in which these operations shall be conducted; and for other purposes.

4 WHEREAS, eyewitness error is the leading cause of mistaken convictions, and cases of
5 mistaken convictions in this state due to eyewitness misidentification have resulted in actual
6 perpetrators remaining free to commit more crimes; and

7 WHEREAS, the goal of a police investigation is to identify accurately and apprehend the true
8 perpetrators of crimes, and scientific studies of eyewitness memory have demonstrated that
9 eyewitness evidence is, like trace physical evidence, susceptible to contamination if not
10 handled properly; and

11 WHEREAS, well-intentioned witnesses and authorities acting in good faith may sometimes
12 inadvertently undermine the accuracy of an identification procedure unless appropriate
13 safeguards are in place; and

14 WHEREAS, extensive scientific research has shown that alternative methods of conducting
15 identification procedures greatly enhance eyewitness identification accuracy; and

16 WHEREAS, this state has a compelling interest in assuring that appropriate eyewitness
17 identification procedures are utilized in this state; and

18 WHEREAS, the House Study Committee on Eyewitness Identification Procedures recently
19 completed a study of issues pertaining to witness identification and the use of various lineup
20 procedures; and

21 WHEREAS, the House Study Committee on Eyewitness Identification Procedures developed
22 guidelines and procedures which should be contained in written policies, as follows:

1 (1) It is strongly encouraged that the administrator of a photographic lineup or physical
2 lineup should be a neutral independent administrator, when feasible, and no person
3 familiar with the identity of the suspect should be present during a photographic lineup
4 or physical lineup;

5 (2) Prior to beginning a photographic lineup or physical lineup identification procedure,
6 the administrator should instruct the witness that:

7 (A) The witness does not have to make an identification, and the identification
8 procedure is important to the investigation whether or not an identification is made;

9 (B) The individuals depicted in the photographic lineup or physical lineup may not
10 appear exactly as the witness observed on the date of the crime because features such
11 as hairstyles and facial hair are subject to change;

12 (C) The perpetrator may or may not be among those shown in the photographic lineup
13 or physical lineup;

14 (D) When a neutral independent administrator is conducting the photographic lineup
15 or physical lineup, the administrator is not aware of whether the suspect is included in
16 such photographic lineup or physical lineup; and

17 (E) Regardless of whether an identification is made, law enforcement will continue to
18 investigate the crime; and

19 (3) When conducting a photographic lineup or physical lineup, the administrator should
20 preserve the outcome of the procedure by documenting any identification or
21 nonidentification result obtained from a witness. All witness responses to the
22 photographic lineup or physical lineup participants should be documented using the
23 witness's own words, either in writing or with an audio or video recording.

24 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY that all law
25 enforcement agencies of this state are strongly urged to develop and implement written
26 policies for conducting showups, photographic lineups, and physical lineups setting forth the
27 manner in which these operations shall be conducted.

28 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
29 and directed to transmit appropriate copies of this resolution to the Georgia Sheriff's
30 Association, the Georgia Association of Chiefs of Police, the Georgia Bureau of
31 Investigation, and the Georgia Peace Officer Standards and Training Council.