



Press Release

For immediate release: May 19, 2010

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NEW YORK STATE LAW ENFORCEMENT AGENCIES ADOPT BEST PRACTICE GUIDELINES FOR IDENTIFICATION PROCEDURES

In a unique collaboration, law enforcement agencies at all levels of government across New York State have agreed upon new statewide guidelines for identification procedures that will enhance law enforcement's ability to solve crime and protect the rights of the accused. The adopted guidelines build on current lawful procedures and will result in more reliable and fair identifications, while minimizing the potential for misidentification. The safety of victims and witnesses was also a significant consideration in developing the protocols.

This is the first time in the nation that law enforcement agencies have proactively worked statewide to establish best practices for photo array and lineup procedures that determine whether an individual is implicated in a crime. The procedures were developed by the Best Practices Committee of the New York State District Attorneys Association with extensive consultation and input from the New York City Police Department, the New York State Police, the New York State Association of Chiefs of Police, the New York State Sheriffs' Association, the state Division of Criminal Justice Services and the state Municipal Police Training Council. Representatives from each of those organizations and agencies announced the groundbreaking collaboration at a press conference today in Manhattan.

Individuals contributing to these procedures have years of experience in solving crimes and working with victims. Academic studies and social scientists were also consulted and provided valuable insights and suggestions. No new costs are associated with these procedures.

The guidelines take into account the diversity of police departments around the state, and can be implemented easily by small departments with fewer than 10 officers and large departments with thousands of officers. Eight New York City police precincts have implemented the procedures already, with the remaining precincts, and other municipalities in the state, to follow. The goal is to continue to review and improve the procedures as practical experience is gained and as knowledge in this area develops.



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The Division of Criminal Justice Services, in cooperation with the Municipal Police Training Council, is developing a statewide training program on the guidelines for law enforcement. In addition, the New York Prosecutors Training Institute will be conducting training programs for District Attorneys' Offices and police. Webinars and podcasts are planned to provide easy access to the training for law enforcement officers who are unable to attend training sessions in person.

Highlights of the new guidelines include:

- How to create a fair photo array and live lineup.
- How to invite a witness to an identification procedure.
- How to instruct a witness before the identification procedure in a neutral and unbiased way.
- How to display a photo array or live lineup in a fair and neutral manner.
- How to conduct a "blinded" identification procedure, or, if possible, a "double blind" identification procedure.
- How to document the results of the identification procedure.
- What to do after the identification procedure is concluded.
- The creation of new forms that guide an officer through the new protocols.
- Training on how to conduct a fair, reliable and neutral identification procedure.

Warren County District Attorney Kate Hogan, President of the New York State District Attorneys Association: "New York State's law enforcement community has demonstrated once again that it is innovative, collaborative and effective in addressing criminal justice issues. These identification protocols are a product of law enforcement agencies in our state working together to reduce crime while at the same time developing new ideas that protect both public safety and the rights of the accused. Today marks what we expect will be the beginning of our continued partnership to create fair, reliable and practical improvements to our criminal justice system."

Police Commissioner Raymond W. Kelly, New York City Police Department: "These are major steps forward in synchronizing our efforts and furthering our common interest in an unimpeachable criminal justice system. Reducing the chances of misidentification and increasing the certainty of a fair trial must be among our highest priorities."

Acting Commissioner Sean M. Byrne, Division of Criminal Justice Services: "These groundbreaking guidelines on the proper management of police lineups and photo arrays will promote the goals of accurate criminal identification while ensuring the process is not tainted by improper procedures or mistaken witness identification. Working in partnership with the state's Municipal Police Training Council, DCJS will provide training to police officers, investigators and law enforcement executives on these procedures. We want to ensure that officers of all ranks have the skills necessary to do their jobs effectively, while at the same time,



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protect the rights of the accused and safeguard the victim's role in the process of advancing the ends of justice.”

Acting Superintendent John P. Melville, New York State Police: “The State Police is privileged to have contributed to the enhanced guidelines for identification procedures that will be implemented by law enforcement agencies around the state. These best practices for identifying accused criminals will increase the overall reliability of witness identifications and increase the safety of both crime victims and witnesses.”

Orange County Sheriff Carl DuBois, President of the New York State Sheriffs' Association: “The Sheriffs of New York are pleased to have joined with their partners in law enforcement across this state to develop best practices for lineups and for photo arrays. These procedures guarantee that the rights of all our citizens are protected. They are critical tools for solving crime and protecting the public, while also respecting the rights of the accused. Victims and witnesses will also benefit from these procedures that are considerate of their safety and will encourage them to come forward to cooperate with law enforcement.”

Chief William Kilfoil, Port Washington Police District (Nassau County), President of the New York State Association of Chiefs of Police: “New York State's Police Chiefs fully support the standardized guidelines that were created with input from law enforcement from around the state. These fair and reliable guidelines will benefit all the parties in the criminal justice system, from the accused to the victims. Standardized training procedures based on the guidelines will ensure that the police properly conduct the identification procedures that are needed to solve crime and protect the public. I am certain that future collaborations by New York State's law enforcement will be equally effective.”

Thomas Belfiore, Chair of the Municipal Police Training Council: “The Municipal Police Training Council endorses these new procedures that will further law enforcement's commitment to just outcomes for victims and those suspected of criminality. Statewide training programs will deliver these best practices to police officers throughout the state so that they can be practically applied as officers serve their communities daily.”

Roy Malpass, Ph.D., Professor, Department of Psychology, University of Texas at El Paso, Eyewitness Identification Lab: “The most important aspect of New York's newly developed standardized procedures is that the criminal justice system itself has created thoughtful, in-depth procedures. Not only have specific procedures been developed, but a process through which continuing improvement can be achieved has also been adopted. These protocols take into account the concern for reducing false identifications, while being based on the practicalities associated with the collection of eyewitness evidence, as well as the science which examines eyewitness identification procedures.”

Heather D. Flowe, Ph.D., Lecturer of Forensic Psychology, University of Leicester, England: “New York State's law enforcement community has produced cutting-edge guidelines for conducting criminal identification procedures. The guidelines are commendable because they demonstrate New York law



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enforcement's commitment to using research evidence to inform eyewitness identification procedures. These identification guidelines are sure to be emulated by all forward-looking law enforcement agencies."

Brian Cutler, Ph.D., Professor of Criminology, Justice and Policy Studies at the University of Ontario Institute of Technology: "The newly established guidelines represent an important and impressive accomplishment. The need to establish guidelines for identification tests is based on the growing recognition that eyewitness memory, like other forms of evidence, is susceptible to influences both within and outside the control of the criminal justice system. The standardization of identification procedures should reduce the risk that innocent suspects are falsely identified as crime perpetrators."

Representatives from law enforcement agencies from the following counties also attended today's press conference:

Albany	Orange
Allegany	Putnam
Broome	Queens
Bronx	Rensselaer
Clinton	Rockland
Dutchess	Saratoga
Franklin	Schenectady
Kings	Staten Island
Livingston	Steuben
Monroe	Suffolk
Nassau	Ulster
New York	Warren
Oneida	Westchester
Onondaga	

Also in attendance: John Grebert, executive director of the New York State Association of Chiefs of Police; Peter Kehoe, executive director of the New York State Sheriffs' Association; and the Special Narcotics Prosecutor for the City of New York Bridget G. Brennan.