

One Hundred Fourth Legislature - Second Session - 2016

Introducer's Statement of Intent

LB846

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: January 21, 2016

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill requires that by January 1, 2017, all law enforcement agencies in this State must develop a written policy on suspect identification by eye witnesses and provide a copy of such to the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission).

The bill requires that each such policy must follow certain best practices recommended by the National Research Council, International Association of Chiefs of Police, and the American Bar Association. The minimum standards contained in the bill include four simple, yet important, requirements for administering photo lineups to witnesses. The four standards include that the process must have 1) an officer who is unfamiliar with the potential suspect or uses a blinded procedure shall administer the photo lineup to a witness; 2) officers who are administering photo lineups to witnesses must always instruct the witness that the suspect may or may not be depicted in the lineup; 3) the policy must require the use of non-suspect 'fillers' that do not make the suspect noticeably stand out and generally match the witness' description of the suspect; and 4) if the witness makes an identification from a photo lineup, the administering officer shall elicit and document the witness' level of certainty in the words of the witness.

The Crime Commission shall develop and distribute a standard, suggested model for the agencies to use, which will include the four requirements listed above. The Crime Commission shall not require any law enforcement agency to accept its standard model so long as such agency develops its own model consistent with this bill.

Principal Introducer: _____

Senator Patty Pansing Brooks