



Department of Criminal Justice Services

Law Enforcement Lineup Survey
November 16, 2011



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



2010 Crime Commission Recommendations

- Request VLEPSC consider revising accreditation standards
- Require DCJS develop training for law enforcement officers involved in conducting lineups
- Request DCJS conduct an audit and report findings in fall 2011



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



VLEPSC Accreditation Review

- DCJS Model policy

Reviewed by Professor Garrett of UVA Law School, Innocence Project Staff and Law Enforcement Review Panel.

- Six month review process
- Revised model policy complete.



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



DCJS Training - lineups

§9.1-102.54, DCJS shall establish training standards and develop model policyfor conducting photographic and live lineups

2011 Appropriations Bill, Item 384 #2c, DCJS may use funds for the development and implementation of training program...to reach maximum number of law enforcement officers



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



DCJS Training - lineups

- Develop training standard
- Evaluate existing curricula
- Define Virginia curriculum
- Design traditional classroom, roll-call and distance learning formats
- Training Advisory Committee will review photo lineup training



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



DCJS Survey Results

- How many have a written lineup policy;
- How many use the sequential method;
- How many use an independent administrator;
- Approximately how many lineups were carried out in CY 2010;
- Any other issues or problems encountered with lineups.



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



DCJS Survey Results

- **Response Rate:**

- 72% (97 of 135) agencies responded to survey request
 - 78 completed surveys and sent policy
 - 4 completed surveys but have no written policy
 - 9 completed surveys but did not send their policy
 - 6 sent their policy but did not complete the survey

- **Agencies with Written Policy:**

- 96% (87 of 91) of responding agencies indicated they had a written lineup policy.



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



DCJS Survey Results

- Agencies Utilizing the Sequential Method:
 - 45% (41 of 91) of responding agencies always use the sequential method for lineups.
 - 24% (22 of 91) use the sequential method whenever possible.
 - 25% (23 of 91) do not use the sequential method
 - 5% described a different process (use both sequential and simultaneous, or sequential for photo lineups only)



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



DCJS Survey Results

- Agencies Utilizing an Independent Lineup Administrator:

-12% (11 of 91) of responding agencies always use an independent administrator for lineups;

-27% (25 of 91) use an independent administrator whenever possible;

-60% (55 of 91) do not use an independent administrator.



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



DCJS Survey Results

- Number of Lineups conducted in CY 2010
 - Numbers vary widely from agency to agency
 - Anywhere from 0 to 730 lineups
 - 35 agencies said they do not know how many lineups were conducted in CY 2010



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



DCJS Survey Results

- Problems or Issues Identified by Agencies
 - Obtaining photographs similar enough in scale and background to be used for photo lineup
 - Obtaining photos of juvenile suspects
 - Lack of personnel or facility to conduct physical lineups
 - Training for new personnel



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



Lineup Policy Analysis

- DCJS received 84 policies for review
 - 98% (82) require that fillers similar to suspect be used;
 - 77% (65) use the sequential method (either as required, when possible, or as an option);
 - 67% (56) require the use of the current picture of the suspect;
 - 67% (56) provide that administrators must refrain from influencing the witness;



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



Lineup Policy Analysis

- 74% (62) provide formal instruction for the witnesses;
- 71% (60) mandate only one suspect per lineup;
- 73% (61) require documented results of the lineup;
- 56% (47) separate the witnesses if there are more than one



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



Lineup Policy Analysis

-24% (20) mention or recommend using a video or audio recording of the lineup

-44% (37) have policies that are substantially similar to DCJS General Order 2-39 (19 or 23% replicate order)

-36% (30) require independent administrators



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov



For more information contact

Teresa P. Gooch

Law Enforcement Division Director

Virginia Department of Criminal Justice Services

1100 Bank Street 12th Floor

Richmond, Virginia 23219

teresa.gooch@dcjs.virginia.gov



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov