

**CALIFORNIA COMMISSION ON THE FAIR ADMINISTRATION OF JUSTICE:  
TENTATIVE RECOMMENDATIONS TO IMPROVE EYEWITNESS IDENTIFICATIONS.**

1. Use of double-blind identification procedures whenever practicable, so the person displaying the photos or operating the lineup is not aware of the actual identity of the suspect. When double-blind procedure is not practicable, presentation of photos in shuffled envelopes.
2. Use of sequential presentation in photo spreads and line-ups, so the witness is only presented with one person at a time. Photos or subjects should be presented in random order.
3. Instructions to the witness that a suspect may not be in the photo spread or lineup, and that an identification or failure to make an identification will not end the investigation.
4. Preserving line-up procedures on videotape whenever practicable. Where video taping is not practicable, a still photo should be taken of the array. The legislature should appropriate funds to support police acquisition of necessary video equipment.
5. Forbidding feedback to witnesses confirming the accuracy of their identification, thus increasing their level of confidence, until statement of certainty obtained. Even after statement of certainty obtained, a record of any feedback given should be preserved.
6. Use of a minimum number of nine photos in a photo spread and a minimum number of six persons in a lineup with five fillers or foils.
7. Requiring that other photos and lineup fillers or foils resemble the description of the suspect given at the time of the crime.
8. Presenting photo spreads and lineups to only one witness at a time, or requiring separation of witnesses where separate presentation is not practicable.
9. Requiring programs to train police in the use of recommended procedures.
10. Requiring state-funded training programs for judges, prosecutors and defense lawyers to acquaint them with the particular risks of cross-racial identifications and the relative judgment process. Such programs should include procedures to make eyewitness identification more reliable and the value of expert testimony on the reliability of eyewitness identification.
11. Evaluation of the adequacy of standardized jury instructions in eye witness identification cases to acquaint jurors with factors that may contribute to unreliable identifications.

Feb. 22, 2006