



Providence External Review Authority

March 18, 2024

Colonel Oscar Perez
Chief of the Providence Police
325 Washington Street
Providence, Rhode Island 02903

RE: PERA Board recommendations of Policy changes to Policy 360.08 Eyewitness Identification: Photographic Line-Ups, Physical Line-Ups, & Show Ups.

Dear Colonel Perez:

During the PERA Board meeting on March 14, 2024, the Providence External Review Authority (PERA), in accordance with §18 ½-2(b)(2) of the Code of Ordinances for the City of Providence, did a review of the following policies and procedures of the Providence Police Department and voted to recommend changes to said policies. The specific recommendations are appended to this notification as ***Attachment A***.

- ***Policy 360.08 Eyewitness Identification: Photographic Line-Ups, Physical Line-Ups, & Show Ups.***

Please provide an update on the implementation of these recommendations at your earliest convenience.

Please contact me at fkaroly@providenceri.gov or (401) 680-5790 if you have any questions. Thank you for your continued support and collaboration.

Kind Regards,

Ferenc Karoly

Ferenc Karoly, Esq.
Executive Director

Susan R. DeRita

Susan DeRita
Chairwoman

Cc: Mayor Brett P. Smiley
Council President Rachel Miller
City Clerk Tina Mastroianni



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Attachment A

Recommendations for changes to 360.08 – Eyewitness Identification: Photographic Line-Ups, Physical Line-Ups & Show Ups

In February 2024, PERA Board Members reviewed the current Providence Police Department policy on Eyewitness Identification (360.08). To evaluate current practices, PERA Board Members reviewed the existing evidence and recommendations available for best practices related to eyewitness identification. Specifically, we reviewed guidance provided by the National Academy of Sciences (2015) comprehensive report on eyewitness identification. We suggest the following recommendations to align the Providence Police Department practices with the five best practices issued by the report:

- 1) Train All Law Enforcement Officers in Eyewitness Identification** – We recommend all officers be trained in both administering and understanding the limitations of eyewitness identification. We also suggest the implementation of refresher training for all officers. The purpose of these trainings and refresher courses is to minimize contamination of eyewitnesses and enhance the accuracy of the identifications.
- 2) Blind Administration of Line-Ups** – We recommend the requirement of blind administration of both photo and physical line-ups. We recommend adding additional language to the policy which ensures that an independent officer will present the photographic lineup and physical line up and notifies the eyewitness that the officer has not been told which individual is the suspect. Presently, it is only recommended that an independent administrator be utilized to present photographic line-ups (see item IB9). This policy recommendation is believed to help prevent officers unintentionally conveying information to the eyewitness.
- 3) Standardized Instructions** – We recommend a set of clear and standardized instructions for eyewitnesses, and ensure these instructions include a statement notifying eyewitnesses that the investigation will continue regardless of whether they make an identification. The current policy for photo and physical line-ups allows for deviation from the standardized instructions (see items IB1 and IIB1), and for photo line-ups, it does not include a statement notifying the eyewitness that the investigation will continue. This change is recommended as it is believed to reduce the pressure on an eyewitness to make an identification to ensure the investigation continues.
- 4) Videotape the Process** – We recommend a change to the current policy to mandate video recording all line-ups, both photo and physical. The current policy suggests audio or video taping physical line-ups only when practical (see item IB4). This recommendation is made to ensure a permanent record of the procedure and can help to reinforce that all evidence-based guidelines were followed.



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5) Assess Confidence of the Eyewitness – We recommend a change in language to the existing policy document and an update that requires a confidence statement for both photo and physical line ups. Presently, the “Physical Line-Up Instructions” includes language asking eyewitnesses to state in their own words how confident they are after making an identification (see page 11); however, we suggest adding this language directly into the policy itself and adding this requirement for photo line ups. This change may prevent eyewitnesses from potentially inflating their level of confidence as the investigation continues and allows for a better understanding of the eyewitness’s true level of confidence.

6) Juvenile Witness/Suspect Handling – We recommend that language be added that ensures that juveniles shall not be used in or participate in photographic line-ups, physical line-ups, or field identification/show ups without the written consent of their parent or guardian.

As a Board, we understand many of these best practices may be currently in place, however, we believe these changes to the policy will help to standardize the procedures implemented and ensure Providence Police are utilizing the current best-practices recommended by experts on eyewitness identification.