626.8433 EYEWITNESS IDENTIFICATION POLICIES REQUIRED.

Subdivision 1. **Statewide model policy required.** By November 1, 2020, the board, in consultation with stakeholders, shall develop a model policy that articulates best practices in eyewitness identification and promotes uniform practices statewide. The board shall distribute this model policy to all chief law enforcement officers. At a minimum, the policy must require that:

(1) a person administering a live or photographic lineup be unaware of the suspect's identity, or if that is not practical, the administrator use a photographic lineup that prevents the administrator from seeing which member of the photographic lineup is being viewed by the eyewitness at a given time;

(2) before the procedure, the eyewitness be instructed that the perpetrator may or may not be in the lineup;

(3) nonsuspect "fillers" used in the lineup be substantially similar to the eyewitness' description of the perpetrator; and

(4) immediately after an identification is made, the eyewitness provide a statement in the eyewitness' own words that articulates the level of the eyewitness' confidence in the identification.

Subd. 2. **Agency policies required.** By February 1, 2021, the chief law enforcement officers of every state and local law enforcement agency shall adopt and implement a written policy on eyewitness identification practices that is identical to or substantially similar to the model policy developed under subdivision 1.

Subd. 3. **Admissibility of evidence not impacted.** Nothing in this section is intended to preclude the admissibility of any relevant evidence or to affect the standards governing the admissibility of evidence under the United States or Minnesota Constitution.

History: *2020 c 90 s 1*