

Police lineup bill passes unanimously in state Senate

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CHARLESTON - The West Virginia Senate unanimously passed a bill Wednesday that lays out procedures for police lineups.

The bill states, whenever possible, police should use a lineup with one real suspect and multiple decoy suspects. Police are discouraged from using only one suspect as it could lead or influence the eyewitness toward a positive identification, according to the state officials.

The bill states that lineups should be videotaped, there should be at least four "filler" suspects, suspects should be presented one-by-one and the administrator of the lineup should not know who the real suspect is.

The Legislature established a law enforcement task force to study the best way to conduct police lineups. The task force completed its work and made its recommendations in 2009.

Sen. David Nohe, R-Wood, a former police officer, said the bill would be helpful in providing accurate identifications.

"It should eliminate any confusion and make the process more uniform across the state," he said.

Police departments have used a photo lineup where a witness is presented with photos and asked to identify the suspect.

"We have never had an actual lineup," Nohe said of his time as a police officer, saying the department used photos.

Nohe believes the bill will pass easily through the Legislature as there were no questions asked about it in the Senate.

Sen. Donna Boley, R-Pleasants, said she did not see any problem with the bill and voted for it, but she wasn't sure if the bill was needed.

A proposal to set up a team to study prescription drug overdoses is working its way through the Senate.

The bill was approved unanimously by the Government Organization Committee this week.

It would establish a team of public health officials, law enforcement officers, doctors, nurses, counselors and pharmacists that would study every prescription drug overdose death in the state. The group would have access to medical records but could not call witnesses or contact family members. No findings would be admissible in court.

The team would look for trends and patterns with the hopes of better informing future legislation. West Virginia has the country's second highest rate of prescription drug deaths.

Nohe said he has not seen the bill and could not comment on it.

Although Boley is on the Government Organization Committee, she spent a lot of time in the Education Committee working on the governor's proposed education bill and had not seen the details of the drug bill.

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