3.15A
Circumstances Of Law Enforcement Lineup Identifications

You have before you evidence that a witness made an identification of [(the defendant) (another individual)] following a [(live) (photographic)] lineup conducted by [a] law enforcement [(agency) (agencies)] relating to the offense[s] charged in this case. It is for you to determine [whether the witness made an identification, and, if so,] what weight should be given to that evidence. In determining the weight to be given to this evidence, you should consider all of the facts and circumstances under which the identification was made, including, but not limited to, the procedures [(used) [or] (not used)] by the law enforcement [(agency) (agencies)].

Committee Note

725 ILCS 5/107A-0.1, *et seq*. (West 2020).

Give this instruction only when there is evidence that a witness made an identification pursuant to a law enforcement live or photographic lineup procedure. In those circumstances, this instruction would typically follow Instruction 3.15.

P.A. 98-104, § 10, effective January 1, 2015, significantly changed the statutory requirements for law enforcement identification procedures, and provides that "when warranted by the evidence, the jury shall be instructed that it may consider all the facts and circumstances including compliance or noncompliance with this Section to assist in its weighing of the identification testimony of an eyewitness." 725 ILCS 5/107A-2(j)(2). Where the trial court has determined that such an instruction is warranted by the evidence, give this instruction.

The bracketed phrase in the second sentence should be included when there is some evidence disputing the making of an identification as described by section 107A-2 (725 ILCS 5/107A-2).

Use applicable bracketed material.