



239.0 PHOTO LINEUPS / FIELD SHOW-UPS (Revised 06/08) (Revised 6/12)

Lineups and field show-ups are valuable investigative tools. To ensure the integrity of the process and minimize the possibility of a wrongful identification, it is imperative to avoid statements or actions, which would be suggestive to viewers. This must be adhered to before, during and after any lineup or show-up.

239.10 PHOTO LINEUPS (Revised 06/08) (Revised 07/10) (Revised 6/12)

Definitions:

- A. Photo Lineup – An identification procedure in which a group of photographs are presented to a witness / victim for the purpose of identifying or eliminating a suspect.
- B. Sequential Photo Lineup – A photo lineup in which the photographs are presented to a witness/victim, one at a time, for the purpose of identifying or eliminating a suspect.
- C. Blind Administrator – A sworn police officer/investigator who administers the presentation of the lineup to the witness/victim and does not know the identity of the suspect.

All photo lineups will be administered using the sequential photo lineup method utilizing a blind administrator. The investigating officer will not be in the room when the photographs are presented to the witness/victim. Whenever possible, the sequential photo lineup will be conducted at a police facility and will be video and audio recorded. If the sequential photo lineup cannot be conducted at a police facility, it will be audio recorded.

Lineup Preparation

The sequential photo lineup will consist of at least six individual photographs, only one of which will be the suspect. The remaining individuals will have no known connection to the case being investigated. The photographs must be of individuals of the same gender and similar race, age, hair color and build. If scars, marks and/or tattoos are visible on the suspect, then all photos should have similar characteristics. All visible notations must be blocked out or covered.



In particular, names, dates and other similar information must not be visible. The photographs will be of the same general size and printed on material of the same color and composition. When possible, the background of the photographs will be similar in nature. The person preparing the lineup will label the back of each photograph with a single capital letter, using A thru F. The suspect's position will be random. The blind administrator will present the photo lineup in alphabetical order.

Each witness/victim will have the lineup administered to them separately. Witnesses must not be allowed to consult with one another about their identification before, during or after the lineup procedure.

The investigating officer will advise the witness/victim the lineup will be presented to them by another investigator. The investigating officer will leave the room and advise the blind administrator to proceed with the lineup. Prior to presenting the lineup, the investigating officer will provide the blind administrator with the photo lineup and the admonition form. The investigating officer will not indicate to the blind administrator the position of the suspect in the lineup.

Lineup Presentation

The blind administrator will enter the room and present the witness/victim with the Photographic Lineup Admonition Form. This must be read to the witness/victim in the language in which they are most fluent. The witness/victim will sign and date the admonition form. The photographs will then be presented by the administrator in alphabetical order. Each photograph will be shown to the witness/victim one at a time. No more than one photograph will be visible at the same time. If a witness/victim indicates they know the person in one of the photographs, the administrator will ask the witness/victim how they know that individual. If an individual is identified by the witness/victim as the person who committed the crime, the administrator must ask them their level of certainty. The administrator will have the witness/victim initial and date the identified photograph. Even if a potential identification is made, the administrator will continue to show the remaining photographs. All questions and responses will be documented using exact quotes.

Once the presentation is complete, the administrator will advise the witness/victim that the investigating officer will continue the interview. The administrator will summon the investigating officer and advise them of the result of the lineup. The administrator will complete the Photographic Lineup Admonition Form, noting if a positive, tentative or no identification was made and the position of the photograph relative to the order they were shown. The administrator will then leave the room and the investigating officer will continue the interview. The administrator will complete a supplemental report.

Upon completion of the interview, the investigating officer will sign and date the form. The lineup packet containing the admonition form, photographs and the recording of the lineup presentation will be preserved in the case jacket. Copies of the entire packet may be made as the case requires. A copy of the Photographic Lineup Admonition Form will be forwarded electronically to the Investigations Bureau Administrative Assistant.

Multiple Lineup Presentations

When no identification has been made, the same blind administrator can use the photographs in the same sequence.

If an identification is made, the investigating officer will vary the order of the photographs to be presented by changing all of the letters on the back of the photographs and a different blind administrator will present subsequent photo lineups.

For each lineup presented to a witness/victim, the labeled photographs, the admonition form and the recording of the lineup will be preserved.

239.30 FIELD SHOW-UPS (Revised 07/07) (Revised 06/08) (Revised 07/10) (Revised 6/12)

Show-ups are a one-to-one in-person (no photographs) viewing of a suspect by a victim or witness. Courts have suppressed identification evidence based on the use of show-ups due to the inherent suggestiveness of the practice. If



probable cause exists for an arrest, the preferred method of identification is a sequential photo lineup administered during the follow up investigation.

If probable cause does not exist for an arrest, but reasonable suspicion exists to detain a possible suspect it may be appropriate for an officer to conduct a field show-up. The officer must have supervisory approval to conduct a field show-up and all the following must be met:

- A. The officer has reasonable suspicion to detain the possible suspect; and
- B. The possible suspect must fit the general description of the suspect involved in the crime; and
- C. When possible, the show-up should be conducted within ONE HOUR of the commission of the crime.

When these conditions exist the officer shall transport the witness/victim to the location of the suspect. Prior to conducting the field show-up, the officer will read the Field Show-Up Admonition Form. The witness/victim will sign and date the form confirming they understand the admonition. Having the witness/victim view the suspect handcuffed and/or sitting in the back of the patrol car should be avoided if possible. If it cannot be avoided, the reason(s) shall be documented in the officer's report. When a witness/victim views an individual, do not refer to the individual as a "suspect". Officers should ask witnesses/victim to look at an individual to see if they recognize him/her. If a witness/victim indicates they know the person, the officer will ask how they know the possible suspect. If a suspect is identified as the person who committed the crime, the officer must ask them their level of certainty.

If there are multiple witnesses/victims, they should view the suspect separately. Officers should consider the following information when deciding the order of the field show-ups:

- 1) The witness'/victims' opportunity to view the suspect during the crime;
- 2) The length of time between the crime and the field show-up;
- 3) The accuracy of the witness'/victims' prior description of the suspect; and
- 4) The witness'/victims' level of attention during the crime.

If a positive identification is made, no further field show-ups should be conducted.

After the witness/victim has viewed the possible suspect, the officer will complete and sign the Field Show-Up Admonition form, indicating if an identification was or was not made. This form will be booked into the Property Room no later than the end of the shift.

The officer will complete a detailed report including the reasonable suspicion that led to the field show-up and the results of all field show-ups.