



# Helen Police Department

## Standard Operating Policies and Procedures

Chapter I-030  Eyewitness Identification	Effective Date:	September 1, 2022	# of Pages:	5
	Revised Date:		Distribution Authorization:	<i>Alonna C. Barrett</i>
	Special Instructions:			

### I. PURPOSE

It is the purpose of the Helen Police Department to establish guidelines for the use of eyewitness identifications involving show-ups, photographic identifications and lineups.

Eyewitness identification is a frequently used investigative tool. As such, the Agency has established these procedures to maximize the reliability of identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms to established legal procedure.

### II. DEFINITIONS

- A. SHOW-UP: The presentation of one suspect to an eyewitness in a short time frame following commission of a crime.
- B. PHOTO LINEUP: Photographic lineup means a selected group of photographs of persons presented to a witness containing a single suspect and several fillers for the purpose of determining whether the witness is able to identify the suspect or eliminate the suspect as the perpetrator of the crime. This process can be presented in a six-person array, a physical mug book, a digital mug book or many pictures in a sequential order.
- C. LINEUP: Physical lineup means a selected group of persons presented to a witness containing a suspect and several fillers for the purpose of determining whether the witness is able to identify the suspect or eliminate the suspect as the perpetrator of the crime.
- D. NEUTRAL INDEPENDENT ADMINISTRATOR: Neutral Independent Administrator means the peace officer who administers the physical

lineup or photographic lineup but does not know which person in the lineup is the suspect.

### **III. PROCEDURE**

#### **A. SHOW-UPS**

Many courts have suppressed identification evidence based on the use of show-ups because of the inherent suggestiveness of the practice. Therefore, the use of show-ups should be avoided whenever possible in preference for the use of a lineup. However, when exigent circumstances require the use of show-ups, the following guidelines should be followed.

- a. The suspect should remain at the place of detention and the witness or victim should be transported to that location unless the suspect consents to being voluntarily transported back to the scene by the officer.
- b. Show-ups should not be conducted when the suspect is in a cell, marked patrol vehicle, handcuffed, or dressed in jail clothing.
- c. Show-ups should not be conducted with more than one witness simultaneously. The witnesses should be separated and not be permitted to communicate before or after the show-up regarding the identification of the suspect.
- d. The same suspect should not be presented to the same witness more than once.
- e. Show-up suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
- f. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator should be scrupulously avoided.
- g. Officers are required to document the results of the show-up in his/her incident report, including the level of confidence that is made by any witness or victim.

#### **B. PHOTOGRAPHIC IDENTIFICATION**

1. It is urged that the administrator of a physical lineup or photographic lineup should be a neutral independent administrator, and no person familiar with the identity of the suspect should be present during a physical lineup or photographic lineup. In conducting photographic identifications, officers should adhere to the following procedures.
2. Photographic identifications must use multiple photographs shown individually (Sequential Method) to a witness or simultaneously in a book or array.
3. Principles for conducting lineups generally apply to photo identifications. When using the simultaneous method, officers should:
  - a. Use at least six photographs of individuals who are reasonably similar in age, height, weight, and general appearance and of the same sex and race,
  - b. Whenever possible, avoid mixing color and black and white photos, use photos of the same size and basic composition, and never mix mug shots with other snapshots or include more than one photo of the same suspect,
  - c. Cover any portions of mug shots or other photographs that provide identifying information on the subject, and similarly cover those used in the array,
  - d. Show the photo array to only one witness at a time,
  - e. Never make suggestive statements that may influence the judgment or perception of the witness; and
  - f. Ensure that the level of confidence is noted on any identification that is made by any witness or victim; and
  - g. Preserve the photo array, together with full information about the identification process, for future reference.
  - h. If the sequential method is used the investigator should follow the following procedures:
    1. Individual photographs will be viewed one at a time.
    2. The photographs are in random order.

3. Take as much time as needed in deciding about each photograph before moving on the next one.
4. All photographs will be shown, even if an identification is made.

### C. LINEUPS

1. The primary investigating officer is responsible for:
2. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel and all witnesses,
3. Fulfill the necessary legal requirements for transfer of the subject to the lineup location should the subject be incarcerated at a detention center, make timely notice to the detention center concerning the pickup and make arrangements for picking up the prisoner; and
4. Make arrangements to have four to six other persons act as "fill ins" at the lineup who are the same race, sex and approximate height, weight, age, and physical appearance and who are similarly clothed.
5. The officer in charge of conducting the lineup should:
  - a. Ensure that the prisoner has been informed of his/her right to counsel if formal charges have been made against the prisoner, and ensure that the prisoner has the opportunity to retain counsel or request that one be provided,
  - b. Obtain a written waiver on the Waiver of Rights form should the prisoner waive his/her right to counsel,
  - c. Allow counsel representing the accused sufficient time to confer with his/her client prior to the lineup and observe the manner in which the lineup is conducted,
  - d. Advise the accused that he/she may take any position in the lineup that he/she prefers and may change positions prior to summoning a new witness,
  - e. Ensure that all persons in the lineup are numbered consecutively and are referred to only by number,

- f. Ensure that a complete written record and audio/video recording of the lineup proceedings is made and retained,

6. The Neutral Independent Administrator should:

- a. Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the lineup,
- b. Ensure that not more than one witness views the lineup at a time and that they are not permitted to speak with one another during lineup proceedings; and
- c. Scrupulously avoid using statements, clues, casual comments or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.
- d. Ensure that the level of confidence is noted on any identification that is made by any witness or victim.