

UPPER MERION TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

No. 660

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SUSPECT IDENTIFICATION PROCEDURES

- I. **PURPOSE:** The purpose of this policy is to establish guidelines for eyewitness identifications using show-ups, photographic arrays and lineups.
- II. **POLICY:** Eyewitness identification is a frequently used investigative tool. However, erroneous eyewitness identifications have been cited as the most frequent cause of wrongful convictions. As such, officers shall strictly adhere to the procedures set forth in this policy in order to maximize the reliability of identifications.
- III. **DEFINITIONS:**
- SHOW-UPS: The presentation of a suspect to an eyewitness in a short time frame following commission of a crime to confirm or eliminate that person as the perceived perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and setting with the crime.
- PHOTOGRAPHIC ARRAY: Showing photographs to an eyewitness for the purpose of identifying or eliminating suspects.
- LINEUP: Live presentation of individuals before an eyewitness for the purpose of identifying or eliminating suspects.
- BLIND ADMINISTRATOR: An officer administering a photographic array or lineup who has no knowledge of the suspect's identity.
- SEQUENTIAL: Presentation of photos in an array or individuals in a live lineup to a witness one at a time rather than all at once.

IV. PROCEDURE:

A. SHOW-UPS:

1. Show-up field identifications shall only be conducted under the following conditions:
 - a. The suspect is detained based upon an articulable finding of reasonable suspicion within a reasonable amount of time following the offense.
 - b. There is an immediate need to identify and arrest a suspect.
 - c. The witness has provided a full and detailed description of the suspect prior to observing the suspect at the scene of the detention.
2. Suspects detained for show-up field identification, when in handcuffs and seated in a police vehicle, shall be removed from the police vehicle prior to the arrival of the witness and placed in a position whereby the handcuffs are not immediately visible to the witness.
3. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.
4. Video record the suspect as he/she appears at the time of the viewing by the witness. The officer who video records the identification process will notify the Evidence Technician who shall place the recording into evidence.
5. This section has been redacted – procedurally sensitive
6. When more than one eyewitness is available, each shall be transported separately to the location where the suspect is being detained to safeguard against cross contaminating their observations through shared communication both enroute and during the field identification.
7. Transporting officers shall not make any comments to the witness that may be influential in their field identification either prior to transportation, during transportation, or at the time that the witness views the detainee.
8. Instructing witnesses prior to viewing the suspect:
 - a. Caution the witness that the person he or she is about to see may or may not be the perpetrator.
 - b. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.
9. Ask the witness how certain he or she is of any identification that is made of a suspect. Document the exact words used by the witness without prompting him or her to elaborate.
10. Documenting show-ups and their results:

- a. The officer transporting the witness shall complete BOTH a departmental Suspect Identification Form AND a supplemental report with information related to the show-up field identification that includes the following:

- (1) The witnesses description of the perpetrator given prior to the show-up field identification;
- (2) The time and location of the show-up field identification;
- (3) Officers present during the show-up field identification;
- (4) Outcome of the show-up field identification.

11. Following the field identification, the witness shall be returned to the location they were transported from, or other location requested by the witness, with the transporting officer requesting that the witness complete a written statement detailing their observations.

B. PHOTOGRAPHIC ARRAYS: in order to ensure that photographic arrays are prepared and shown properly to witnesses, all officers shall adhere to the following sequential photographic array guidelines:

- 1. A minimum of eight photographs must be used, only one of which is the suspect. All photographs should depict similar looking suspects; i.e., size, hair, race, age, etc. Image sizing and composition should be substantially similar. The array will contain a single photograph of the suspect and at least seven additional individuals known as “fillers”. Try to use a photograph of the suspect that most clearly resembles the way the suspect looked at the time of the incident.
 - a. Each photograph will be numbered in sequential order. Separate arrays will be used for each potential suspect using different “fillers”.
 - b. The suspect photograph will be rotated and numbered in sequence for each witness.
 - c. The administrator of a photographic array shall ensure that the presentation of the photographic array is documented in the Departmental Suspect Identification Form regardless of suspect identification. The developer of the sequential photographic array, or the investigating officer, shall document in the supplemental report the names and order of the subjects in the array as well as the sources of the photographs and their position in the array. Documentation must include the number assigned to each photograph during each display of the sequential photographic array.
- 2. When possible, photographs should come from the same source. Most sequential photographic arrays will be produced using CPIN, however, when using other photographs they should be unmarked, if practical. Any visible notations (names, dates, and other information) must not be visible to witnesses. If block-out is necessary to cover a notation on one photograph, then similar block-out must be placed on all photographs in order for all to appear alike.

3. Blind administration of the sequential photographic array should be conducted when practicable. The blind administrator will receive the photographs from the assigned case detective without knowing which photograph is of the suspect. Before the blind administrator shows the sequential photographic array to each witness, he or she will rotate the photographs and number them in sequence for each witness who views the array. This prevents the blind administrator from knowing which photograph is of the suspect, thus maintaining the integrity of the process.
4. If a blind administrator is unavailable, the investigating officer conducting the photographic array must take all reasonable precautions to avoid giving any unintentional cues to the witness.
5. If there are two or more witnesses, each witness must view the sequential photographic array separately and individually. Do not allow witnesses to talk to one another during the photographic array procedure. Do not permit witnesses to consult with one another regarding their identification before, during, or after this procedure.
6. Make enough copies when using CPIN so that each witness will have a copy available to initial and date under the photograph if identification is made.
7. Prior to presentation of the sequential photographic array, the administrator will give the witness the following instructions:
 - a. You will be asked to view a set of individual photographs.
 - b. Individuals may not appear exactly as they did on the date of the incident. Head and facial hair are subject to change.
 - c. The person who committed the crime may or may not be shown.
 - d. Regardless of whether identification is made, the police will continue to investigate the incident.
 - e. All photographs will be presented even if identification is made.
8. Ask the witness how certain he or she is of any identification that is made of a suspect. Document the exact words used by the witness without prompting him or her to elaborate.

C. LINEUPS: the basic principles for conducting a photo array apply to live lineups.

1. A blind administrator shall conduct the lineup whenever reasonably possible. Other than the suspect's attorney, no one who is aware of the suspect's identity may be present during the administration of the lineup. If a blind administrator is unavailable,

the investigating officer conducting the lineup must take all reasonable precautions to avoid giving any unintentional cues to the witness.

2. The blind administrator or investigating officer is responsible for the following:
 - a. Scheduling the lineup on a date and at a time that is convenient for all concerned parties including the prosecuting attorney, defense attorney and all witnesses.
 - b. Making arrangements to have persons act as fill-ins at the lineup who are of the same race, sex, approximate height, weight, age and physical appearance as the suspect and are similarly clothed. Use a minimum of six persons. Police officers will not be used as fill-ins.
 - c. Placing suspects in different positions in each lineup, both across cases and with multiple witnesses in the same case.
 - d. If there is more than one suspect, include only one suspect in each line-up.
 - e. Ensuring that the prisoner has been informed of his/her right to counsel if formal charges have been made against him/her and that he/she has the opportunity to retain counsel or request that counsel be provided. A written waiver shall be obtained if the suspect waives his/her right to counsel.
 - f. Allowing counsel representing the accused sufficient time to confer with his/her client prior to the lineup and to observe the manner in which the lineup is conducted.
 - g. Ensuring that all persons in the lineup are numbered consecutively and are referred to only by number.
 - h. Prior to presentation of the line-up, the administrator will read the witness the instructions in section V-B-7 of the policy.
 - i. Ensuring that witnesses are not permitted to see or be shown any photos of the accused immediately prior to the lineup.
 - j. Whenever possible, preserving the lineup and identification process by videotape and audiotape. If not possible, taking and preserving a still photograph of each individual in the lineup and documenting all persons present during the lineup.
 - k. Presenting each individual one at a time to a single witness. In the case of multiple witnesses, presenting the lineup to each witness separately.
 - l. Upon completion of the lineup, asking the witness to sign and date the record of the results.
 - m. Ensuring that a complete written record of the lineup proceedings are made and retained in a supplement to the CODY incident report.

APPROVED: _____
Chief Thomas M. Nolan

DATE: _____

APPROVED: _____
Captain Christopher R. Bird

DATE: _____

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
Township Manager
File