
Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy provides guidelines to be used when officers or members of the Sahuarita Police Department (SPD) employ eyewitness identification processes or techniques.

604.2 DEFINITIONS

Definitions related to this policy include:

Eyewitness identification process - Any field show-up, live lineup or photographic identification.

Field identification (field show-up)- A live viewing of a single individual, at a time, by a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as a suspect or involved party.

Filler - A person or photograph of a person, that is included in a lineup or photographic lineup, but who is not a known suspect or involved party.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as a suspect or involved party. The SPD does not routinely utilize live lineups. A live lineup requires a commander or Chief of Police approval.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as a suspect or involved party.

604.3 POLICY

The SPD will strive to use eyewitness identification processes and techniques, when appropriate, to assist in investigations; however, officers and members will emphasize the importance of identifying persons responsible for a crime and exonerating the innocent.

604.4 LANGUAGE/COMMUNICATION INTERPRETIVE SERVICES

- A. Officers and members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or communication barriers.
- B. Before the interpreter is permitted to discuss the identification process with a witness, the investigating officer or member shall make a good faith effort to thoroughly explain the eyewitness identification process to the interpreter. This will include the use of written forms typically required to be read verbatim by officers or members (i.e., SPD Field Show-Up Advisory, Photo Line-Up Advisement, etc.).
- C. Once it is determined that the interpreter comprehends the eyewitness identification process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

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604.5 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Bureau Lieutenant shall be responsible for the development and maintenance of eyewitness identification processes for use by SPD officers and members when they are conducting eyewitness identifications.

The documentation for eyewitness identification includes the following:

- A. The date, time and location of the eyewitness identification process
- B. The type of identification process used.
- C. The name and identifying information of the witness.
- D. The name of the person administering the identification process.
- E. The names of all of the individuals present during the identification process.
- F. The officer or member (or translator) administering the identification process will read the current and approved SPD Field Show-Up Advisory or Photo Lineup Advisement verbatim. The officer or member will document the witness's response to the first three questions.
- G. If the witness positively identifies an individual in the identification process, the officer or member shall inquire and document what specific feature(s) or characteristic(s) the witness may have used to help identify the suspect.
- H. If a signature line is available on a SPD Field Show-Up Advisory or Photo Lineup Advisement, the witness will be requested to sign the form.
- I. A statement from the witness in the witness's own words describing their level of certainty of the identification or non-identification. This statement should be taken at the time of the identification process.
- J. Members shall not provide feedback to the witness reference the results of the identification process.

The eyewitness identification process and related forms should be reviewed at least annually and modified when necessary.

604.6 EYEWITNESS IDENTIFICATION

- A. Officers and members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers and members should avoid mentioning:
 - 1. The individual was apprehended near the crime scene.
 - 2. The evidence points to the individual as the suspect.
 - 3. Other witnesses have identified or failed to identify the individual as the suspect.
- B. In order to avoid undue influence, witnesses shall only view suspects or a lineup individually and outside the presence of other witnesses. Witnesses shall be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

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- C. Whenever feasible, the eyewitness identification process should be audio and/or video recorded and the recording should be retained according to current evidence retention procedures.

604.7 DOCUMENTATION

- A. A thorough description of the eyewitness process and the results of any eyewitness identification, or non-identification, shall be documented in the case report and whenever reasonably possible recorded via BWC, DAR, etc.
- B. If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness shall be included as an attachment to the case report and the original shall be placed into Property and Evidence (P&E).
- C. The narrative of the report will document that the copy was attached to the police report and that the original was placed into P&E.
- D. In addition, if the photographs are shown to a witness separately (i.e., not in a "six-pack") the order in which the photographs were presented to the witness shall be documented in the case report.

604.8 PHOTOGRAPHIC LINEUP CONSIDERATIONS

- A. Photographic lineups will consist of six (6) photographs whenever reasonably possible, with one of the six being of the suspect and the other five will be filler photographs.
- B. Individuals in a photographic lineup should reasonably match the description of the suspect provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out.
- C. In cases involving multiple suspects, a separate photographic lineup should be conducted for each suspect. Officers and members should evaluate whether or not the suspects should be placed in a different order within each lineup.
- D. When utilizing a photographic lineup where the suspect has a unique feature, such as a scar, tattoo, or mole, or distinctive clothing that would make him or her stand out in a photo array, filler photographs should include a similar unique feature.
- E. The same filler photographs should not be used in multiple lineups for the same case or with the same witness.
- F. If multiple witnesses will be viewing a single photographic lineup, officers and members will ensure the witnesses who have viewed the photographic lineup are separated from those who have not. It is best to keep witnesses separated prior to viewing the photographic lineup(s) to prevent discussion of the case and photographic lineup. Only one witness should view a photographic lineup at a time.
- G. The officer or member presenting the photographic lineup may choose to present the photographs sequentially (i.e., show the witness one photograph at a time) and not simultaneously (i.e., "six-pack" lineup). After a photograph is viewed, the officer or member should take back the photograph before showing the next one. The witness

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should view all persons in the photographic lineup even though they may have already identified who they believe to be the suspect.

- H. Whenever possible, a blind administrator (an officer or member who does not know what photograph may depict the suspect) should conduct the photographic lineup. If that is not practicable, a blinded administration technique such as the folder shuffle (see section 604.9) may be used.
- I. Nothing in this policy prevents an officer or member from utilizing a "six pack" photographic lineup process. A six pack photographic lineup is one in which the witness may view all six photographs at the same time (sometimes on the page or within the same folder) as opposed to separate photographs presented one at a time.

604.9 PHOTOGRAPHIC LINEUP FOLDER SHUFFLE METHOD

This method is recommended when the investigating officer or member, is the only individual reasonably available to administer the photographic lineup. This method was devised to address concerns involving the possibility of suggestiveness in the process. The folder shuffle is completed as outlined below.

- A. The officer or member will obtain a photograph of the suspect and five filler photographs that meet the parameters for a photographic lineup already outlined in this policy (604.8) and will place each photograph in a separate folder. Each photograph will be placed in the same location within each folder.
- B. The officer or member will then shuffle the folders to ensure that the officer or member does not know which folder contains the photograph of the suspect.
- C. The officer or member will then write a number of one through six on the outside of each folder (upper right hand corner).
- D. The administrator (officer or member presenting the photographs) shall read the Photo Lineup Advisory instructions and questions to the witness. The witness shall be informed that the suspect may or may not be contained in the photographs they are about to see and that the administrator does not know which folder contains the possible suspect.
- E. The administrator will then give all six folders to the witness at the same time to view them individually while in the administrator's presence.
- F. The administrator should then document and record the results of the process. This should include the order in which the folders were viewed and a statement of confidence in the witness's own words if possible, as to the certainty of their identification or non-identification and any additional information the administrator deems pertinent to the process.
- G. Officers and members are reminded to utilize a BWC, DAR, etc. to help record the photographic lineup process.

604.10 FIELD IDENTIFICATION/SHOW-UP CONSIDERATIONS

Field identifications, also known as field show-ups, may be helpful in certain cases, where circumstances make it impracticable to conduct a photographic lineup.

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When initiating a field show-up, the officer or member should observe the following guidelines:

- A. Obtain a complete description of the suspect from the witness.
- B. Assess whether a witness should be included in a field show-up process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect at the time of the crime.
 - 3. Whether the witness could view the suspect's face.
 - 4. Officers and members should evaluate factors such as lighting at the scene of an incident and other possible distractions that may have impaired the witness's ability to identify the suspect.
 - 5. There is no particular length of time (hours or days) after a crime in which a field show-up is not permitted. Officers or members evaluating whether or not to conduct a field show-up will take all reasonable factors into consideration.
- C. If safe and practicable, the person who is the subject of the field show-up should not be handcuffed or in a patrol vehicle.
- D. When feasible, officers or members should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
- E. A suspect should not be shown to the same witness more than once.
- F. In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
- G. A person in a field show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- H. If there are multiple witnesses who may be able to identify the possible suspect via a field show-up, each of the field show-ups should be done separately in a manner that does not allow the witnesses to communicate about the field show-up or the results of the field show-up.
- I. Officers and members (to include a translator) shall read (or translate) the SPD Field Show-Up Advisory verbatim to each witness without distraction prior to a witness participating in a Field Show-Up.
- J. Care should be taken so that a witness does not listen to police radio transmissions, view MDC information, nor listen to officers and members comments via phone, radio or in person associated with the investigation or Field Show-Up that could prejudice the witness.

604.11 POLICY ISSUANCE OR REVIEW

06/13/2024 - Reviewed by Chief John Noland - SP002