

CONSIDERATIONS FOR DEVELOPING PHOTO LINEUP PROCEDURES

BEFORE LINEUP

1. Has a comprehensive description been obtained and recorded/documented prior to the lineup procedure?
2. Any impairments in the eyewitness's ability to see, focus his/her attention, or otherwise clearly perceive people or events?
3. Does the eyewitness wear eyeglasses/contacts?
4. Was the eyewitness wearing glasses/contacts at the time of the incident?
5. Do you note any eyewitness impairments?
 - a. substance use
 - b. visual/auditory disabilities
6. Is there a second officer available to conduct the line-up in a blind fashion?
7. In the absence of a blind administrator, which alternative method will be employed?
 - a. Folder Shuffle Method?
 - b. Laptop Computer Method?
8. If you are using video or audio equipment to record the procedure, have you set up the device so that it is ready to record?

PHOTOGRAPHS

1. Is the photograph of the suspect contemporary?
2. Does the photo of the suspect resemble his appearance at the time of offense?
3. Any characteristics in the photos/background context that make any stand out?
4. Do line-up filler members match the description provided by the eyewitness?
5. In a live line-up, are there at least four fillers in addition to the suspect?
6. In a photo line-up, are there at least five fillers in addition to the suspect photo?
7. If an eyewitness previously viewed a line-up with a different suspect, are the fillers in the new line-up different from the fillers used in any prior line-ups?
8. If there are multiple eyewitnesses, have you placed the suspect in a different position for each eyewitness?
9. No writings or information concerning the instant or any previous arrest, indictment or conviction was visible or known to the eyewitness?
10. If multiple suspects, does each lineup contain only one suspect?

INSTRUCTIONS

1. Instruct each eyewitness without other persons present.
2. Describe the photo array to the eyewitness only as a "collection of photographs."
3. Instruct the eyewitness that the person who committed the crime may or may not be present in the identification procedure.
4. Consider suggesting to the eyewitness to think back to the event and his/her frame of mind at the time.
5. Instruct the eyewitness to select a photo array or live lineup member if he/she can and to state how he/she knows the person if he/she can.

6. Assure the eyewitness that regardless of whether he/she makes an identification, the police will continue to investigate the case.

7. Instruct the eyewitness that the procedure requires the investigator to ask the eyewitness to state, in his/her own words, how certain he/she is of any identification.

8. Advise the eyewitness that the administrator does not know who the suspect is.

9. Direct the eyewitness not to discuss the identification procedure or its results with other eyewitnesses involved in the case and discouraging contact with the media.

POST LINEUP PROCEDURES AND CONSIDERATIONS

1. If an identification was made, did you take an immediate statement, in the eyewitness's own words, regarding his/her level of confidence that that is the person involved in the crime?

2. Did you provide any information to the eyewitness about his/her identification before taking a statement of confidence?

DOCUMENTING THE LINE-UP PROCEDURE

Report should contain

1. A record documenting all of the identification and non-identification results obtained by the identification procedure, signed by the eyewitness?

2. A record of the eyewitness's selection of a filler, if such selection was made?

3. Was the procedure video or audio recorded?

4. Names of all of the people present during the procedure?

5. Name of the line-up administrator?

6. Date and time of the procedure?

7. When the lineup as presented?