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9.392 SUSPECT IDENTIFICATION

PURPOSE:

To provide guidelines to members involved in composing and presenting photographic lineups for the purpose of suspect identification.

POLICY:

It shall be the policy of the Douglas County Sheriff's Office to compose and present photographic lineups in an objective, unbiased, and consistent manner, with the goal of reducing the risk of identifying the wrong person and increasing the probability of identifying the correct person.

DEFINITIONS:

Photo lineup – An identification procedure in which an array of photographs, including a photograph of the suspect, is displayed to a victim or witness to determine whether they identify the suspect as the perpetrator of the crime.

Live lineup – An identification procedure in which a group of persons, including the suspect, is displayed to a victim or witness to determine whether they identify the suspect as the perpetrator of the crime.

Show-up – An identification procedure in which the suspect appears individually for possible identification by the victim or witness to determine if they identify the suspect as the perpetrator of a crime.

PROCEDURE:

I. Photo lineup

A. Preparing a photographic lineup:

1. When possible, the person preparing the photographic lineup should not be directly involved in the investigation or know who the suspect is.
2. The suspect photograph should not stand out significantly from the other non-suspect photographs.
3. Recent photographs should be used depicting persons with similar features.

4. There should be at least five other non-suspect photographs in any lineup.

B. Presenting a photographic lineup:

1. When possible, the person presenting the photographic lineup should not be directly involved in the investigation or know who the suspect is. If the person presenting the lineup is involved in the case, care must be taken not to communicate the identity of the suspect to the witness.
2. Prior to presenting the lineup, each witness should be advised that the real perpetrator may or may not be present in the photographic lineup.
3. Photographs should be shown sequentially (one at a time) rather than simultaneously.
4. The witness should view all photographs in the lineup, even after a possible identification has been made.
5. The person presenting the lineup should avoid saying anything that might influence the witness, and should not imply or suggest that any person depicted in the lineup is a suspect or in any way involved in the case.
6. If the lineup is being shown to multiple witnesses, the witnesses should be shown the lineup individually, with the suspect and non-suspect photographs placed in a different, random order for each witness. Witnesses should not be permitted to discuss the incident or lineup with other witnesses.
7. If the witness identifies a person in the photographic lineup as the suspect, the person presenting the lineup will not give any indication to the witness as to whether or not they identified the actual suspect, or comment on the outcome of the procedure in any way.
8. The methods used to develop and present the photographic lineup, the specific results of the presentation of the lineup, and a copy of the lineup must be included in the case report.

II. Live lineup

A. Live lineups should be conducted using methods similar to a photographic lineup:

1. A live lineup should be composed in such a way as to ensure the suspect does not significantly stand out from non-suspect fillers.
2. At least four non-suspect fillers should be used in a live lineup.

3. The victim or witness should be advised that the suspect may or may not be among those displayed in the lineup, and therefore they should not feel compelled to make an identification.
4. Subjects comprising the live lineup should be shown sequentially, and in random order.
5. The person presenting the lineup should avoid saying anything that might influence the witness, and should not imply or suggest that any person depicted in the lineup is a suspect or in any way involved in the case.
6. If the witness identifies a person in the lineup as the suspect, the person presenting the lineup will not give any indication to the witness as to whether or not they identified the actual suspect, or comment on the outcome of the procedure in any way.
7. When possible, presentation of the live lineup should be videotaped.
8. The methods used to develop and present the live lineup, the specific results of the presentation of the lineup, and a photograph of each person as they appeared in the live lineup must be included in the case report.

III. Show-up

- A. The use of show-ups may be used in exigent circumstances, but should be secondary in preference to the use of photo lineups and live lineups:
 1. Prior to the show-up, carefully document the victim or witness description of the suspect. If the witness is unable to provide a detailed description of the suspect, a show-up should not be conducted.
 2. The suspect cannot be involuntarily moved from the point where they were detained, therefore the victim or witness must be transported to the location of the suspect.
 3. If officer safety permits, suspects should not be viewed by witnesses while handcuffed, surrounded by uniformed personnel, or seated in a marked unit.
 4. Members should take steps to protect the identity of the witness by placing them in the back of the car or through the use of lights.
 5. Show-ups should not be conducted at the Sheriff's Office or substations.
 6. The victim or witness should be advised that the suspect may or may not be present at the show-up.
 7. Show-ups should not be conducted with more than one victim or witness at a time.

8. Show-up suspects should not be required to put on clothing worn by the perpetrator, but may be asked to speak words uttered by the perpetrator or perform other actions of the perpetrator.
9. The methods used to facilitate the show-up, the specific results of the show-up, and a photograph of each suspect as they appeared in the show-up should be included in the case report.

Ronald P. Pierini, Sheriff