

**Lower Providence Township Police Department
Eagleville, Pennsylvania**

General Order ☒
Special Order ☐
Personnel Order ☐

ORDER NUMBER

603

Subject

Showups, Photographic Identifications and Lineups

Date of Issue

February 3, 2020

Effective Date

February 3, 2020

Expiration Date

**Until Amended or
Rescinded**

References

Michael Jackson, Chief of Police

Amends

Rescinds

All Previous Orders

Standard Number

2.9.1

Distribution

- 1. General Order Manuals**
- 2. Records Manual**
- 3. Reading Verification to all Personnel**

I. PURPOSE

The purpose of this general order is to establish a written directive for officers who are conducting an eyewitness identification.

II. POLICY

Eyewitness identification is a frequently used investigative tool. As such, officers shall strictly adhere to the procedures set forth here in order to maximize the reliability of identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms with established legal procedure.

III. DEFINITIONS

1. Field Identifications: The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator.
2. Photo Array: A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.
3. Administrator: The law enforcement official conducting the identification procedure.

4. Blind Presentation: An administrator who conducts an identification procedure and does not know the suspect's identity.
5. Filler: A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.
6. Sequential Photographic Array: Presentation of a series of photographs or individuals to a witness one at a time.
7. Lineup: The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

IV. REGULATION

- I. Field Identifications (show-ups): The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator.
 - A. Officers should understand that this type of identification is inherently suggestive and take care to minimize this when practical.
 - B. The use of the field identification should be evaluated to determine how relevant it might be as an investigative tool.
 - C. Officers should consider issues such as the following when determining if a field identification will be reliable.
 1. The opportunity the witness had to view the perpetrator during the crime.
 2. The length of time between the crime and opportunity for identification.
 3. The accuracy of the witness' prior description of the suspect.
 4. The witness' degree of attention during the crime.
 - D. The eyewitness shall be cautioned that the person he/she is looking at may or may not be the perpetrator and that the investigation will continue regardless of whether a positive identification is made.
 - E. The eyewitness shall be transported to the location of the suspect and, when feasible, kept out of contact with the suspect. Efforts should be made to conceal the identity of the witness.
 - F. If there are multiple eyewitnesses, they should be requested to avoid discussing details with other eyewitnesses and transported separately.
 - G. If a positive identification is obtained from one eyewitness, the investigating officer should consider using a photo array for the remaining eyewitnesses.

H. The reporting officer shall document the location and time of the eyewitness's identification, the result of the identification and the level of confidence expressed by the witness. Any spontaneous exclamations from the eyewitness regarding the identification should also be documented.

- a. Level of Confidence - Following the eyewitness identification, the presenting officer shall ask the eyewitness to characterize their level of confidence in the selection from the following:

Positive – (Absolute)

Probable – (More than likely)

Uncertain – (The individual looks like the suspect, but the witness is unsure)

I. If practical, a written statement from the eyewitness should be taken regarding the identification.

J. Officers should attempt to capture field identifications on the in-car video system if practical.

K. The suspect should, if practical, be removed from the police vehicle and stood-up before the arrival of the eyewitness. The removal of a suspect from a police vehicle in view of an eyewitness has been deemed highly suggestive by the courts and could influence the identification.

- a. Only under exigent circumstances and should a suspect be transported to an alternate location before the Show-Up. Examples of extenuating circumstances are as follows:
 - i. Afford better lighting
 - ii. Prevent a traffic hazard
 - iii. To avoid a hostile crowd
 - iv. Unless officer safety is a risk, the suspect should not be handcuffed during the Show-Up.
 - v. Lights may be used to illuminate the suspect during the Show-Up and/or reduce the ability of the suspect to see the eyewitness.
 - vi. The suspect should only be shown to each eyewitness once.

II. Sequential Photographic Arrays - Presentation of a series of photographs or individuals to a witness one at a time.

A. Sequential photographic arrays may be used when a suspect is developed during a criminal investigation.

B. Sequential photographic arrays shall be utilized by the officer as the preferred method for identification through use of a photograph as it further enhances the ability to non-suggestive eyewitness identification procedures.

- C. The sequential photographic array shall be comprised of a series of at least eight photographs, which are individually displayed to the eyewitness in sequential order.
- D. The photographic array will contain a single photograph of the suspect and at least seven additional photographs of individuals ("fillers") who are similar in appearance to the suspect.
- E. Separate photographic arrays will be used for each suspect, each photographic array containing different "fillers".
- F. If a photographic array is used for multiple eyewitnesses, the sequence will be mixed and photographs re-numbered.
- G. Each eyewitness shall view a photographic array separately and officers should attempt to keep eyewitnesses from communicating with each other until all procedures are complete.
- H. Photographs used will be consistent in size and background and numbered in sequential order.
- I. When feasible, it is preferred that an officer not involved in the investigation or who is not familiar with the suspect's photo/identification (a "blind" administrator) present the sequential photographic array to the eyewitness. The "blind" administrator shall receive the photographs from the investigator, shuffle the photographs, and then assign sequential numbers.
- L. The officer presenting the sequential photographic array shall document the location and time of the eyewitness's identification, the result of the identification and the level of confidence (as defined previously) expressed by the witness. Any spontaneous exclamations from the eyewitness regarding the identification should also be documented.
- M. Prior to displaying the photographic array, the presenting officer shall read and then have the eyewitness review and sign the departmental Sequential Photographic Array Presentation form.
- N. Each photographic array displayed shall be placed into the case folder attached to the signed Sequential Photographic Array Presentation form.

III. Suspect Line-Ups

- A. Suspect line-ups shall only be done in conjunction with and under the direction of the Montgomery County District Attorney's Office.

Michael Jackson

Michael Jackson
Chief of Police