



Sheridan Police Department
Policies and Procedures
20.3
Chapter 20 – Investigations
Section 3 – Eye Witness Identification

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Signature:

The following guidelines will be followed when eyewitness identifications are solicited by officers.

20.3.1 On-Scene Identifications

- A. Because of their inherent suggestiveness, field identifications should be avoided in most cases. However, when a line-up cannot be promptly arranged, or there is an immediate need to arrest the suspect, field identification may be used. The most common situations are when a serious crime is still fresh, a suspect is located in the vicinity, and the suspicion does not rise to probable cause.
- B. Benefits of a field show-up include quick verification of a subject's identity. If the detainee is not the suspect he or she can be promptly released and officers can continue searching for the person responsible.
- C. An officer may arrange a show-up between a witness and a suspect when there is reasonable suspicion to believe the suspect committed a crime and that the detention occurs soon after the crime was committed. The time between the offense and the identification must be brief.
- D. Guidelines for conducting the show-up:
 - 1. A suspect cannot be detained for longer than a reasonable period of time to confirm or refute whether the suspect is the perpetrator.
 - 2. Officers at the scene and in contact with the witness will obtain a detailed description of the perpetrator before the suspect is shown to the witness. The witness must advise the officers that they will be able to recognize the person who committed the crime prior to the show-up.
 - 3. The courts require that the suspect be inconvenienced as little as possible during a detention and show-up. Generally this means that the witness should be brought to the suspect.
 - 4. If at all possible, any indications that the suspect is in custody (i.e. - handcuffs, placement in the back seat of the patrol car, etc.) should be avoided.
 - a. If the suspect is handcuffed, measures should be taken to conceal this fact from the witness when possible.
 - b. Nothing should be said to the witness prior to the identification that might be considered suggestive such as “we think we caught the guy”, “the suspect has the victim's property”, or referring to person to be observed as a “suspect” etc.
 - c. Nothing suggestive should be said after identification. This could have a corrupting effect on all subsequent identifications and result in their suppression.
 - 5. Before a field identification procedure begins, the witness should be informed that:

- a. The person being viewed may not be the offender; and
 - b. The witness is not required to make an identification.
6. Show-ups should not be conducted with more than one (1) witness present at a time. Witnesses should not hear others' accounts because they may be influenced by that information. If there is more than one (1) witness, the show-up must be conducted separately for each witness, and witnesses should not be permitted to communicate before or after any show-up regarding the identification of the suspect.
7. The suspect should not be required to put on any clothing that was worn by the perpetrator, make any statements that were made by the perpetrator, or perform any actions that were performed by the perpetrator.
8. The same suspect should not be presented to the same witness more than once.
9. If there are multiple suspects, the suspects must be separated and subjected to separate show-up procedures.
10. The level of certainty the witness has in his or her identification of the suspect should be assessed. In the report, the officer should record statements by the witness regarding the identification ("that's him/her", etc.). The witness should describe how he or she knows it is the right person.
11. Information about the identification process should be recorded, including:
 - a. What the lighting conditions were (i.e. - spotlight, flashlight, daytime).
 - b. The distance of the witness to the detained person.
 - c. Where the witness was during the identification.
 - d. How long the witness looked at the subject before making the identification.
 - e. The presence of anyone else.
 - f. Time, date and location of identification.
 - g. Identification and non-identification results.
 - h. Confidence and certainty statements made by the witness should be quoted.
 - i. If the witness wears glasses or contacts and if he or she had them on at the time of the show up and original sighting.

20.3.2 Photo Lineups

- A. Photographic line-ups will consist of a minimum of six (6) individual photographs. Only one (1) member of the photographic line-up will be a suspect in the case.
- B. Each member of a photographic line-up should resemble the witness's description of the suspect's significant features, such as: age, race, facial features, weight, build, and any unique or unusual features.
- C. Photographic line-ups should be compiled using the same quality of photo (i.e. - all black and white or all color).
- D. The suspect photograph will be randomly placed in the photographic line-up. The photograph should be recent and resemble the suspect's appearance at the time the offense was committed.
- E. Photographs shown to witnesses shall not contain any identifying information.
- F. When showing a new suspect, fillers previously shown to the same witness should not be used.
- G. Officers shall document the line-up procedures including:
 1. Identification (and non-identification) results;
 2. Source(s) of all photos used;
 3. Names of persons appearing in the photographs and witnesses at the lineup;
 4. Date, time, and place of the identification procedure;

5. The witness' own words regarding how sure he or she is about the identification;
 6. Officers should have the person making an identification circle the photograph and sign his or her name under the photograph; and
 7. If the witness wears glasses or contacts and if he or she had them on at the time of the show up and original sighting.
- H. Simply showing an eyewitness a single photo of the suspect is not acceptable.

20.3.3 Instructing Witnesses Prior To Viewing a Lineup

- A. Prior to presenting a lineup, the investigator shall provide instructions to the witness to ensure the witness understands the purpose of the identification process is to exonerate the innocent as well as to identify the actual perpetrator.
- B. Prior to presenting a lineup, the officer should instruct the witness:
 1. That he or she will be asked to view a set of photographs.
 2. That the person who committed the crime may or may not be in the lineup being presented.
 3. To keep in mind that hair styles and colors, beards and mustaches may be easily changed and that photographs may not depict the true complexion of a person.
 4. To disregard markings that may appear on any of the photos.
 5. That it is just as important to clear the innocent person from suspicion as to identify the guilty parties.
- C. Officers should:
 1. Avoid comments or gestures to the witness that might be considered suggestive or influence the witness' selection.
 2. Assure the witness that regardless of whether or not identification is made, the department will continue to investigate the incident.
 3. Instruct the witness that the procedure requires the investigator to ask the witness to state, in his or her own words, how certain he or she is of any identification.