



Approved:
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Subject:

506. Eyewitness Identification

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506.1: PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

506.1.1: DEFINITIONS

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

Field Show-Up - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live Line-Up - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic Line-Up- Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

506.2: POLICY

It is the policy of the Albany Police Department to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

506.3: INTERPRETIVE SERVICES

- a. 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 hearing barriers.
- b. Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

506.4: EYEWITNESS IDENTIFICATION PROCESS

- a. When practical, eyewitness identifications should be conducted by an officer other than the officer who has primary investigation of the case in order to avoid inadvertently influencing the witness' decision.
 - 1) The officer conducting the eyewitness identification is prohibited from providing feedback.
- b. During the presentation of a photographic line-up, live line-up or field show-up, consideration should be given to the following:
 - 1) The witness' opportunity to view the criminal during the crime;
 - 2) The length of time between the crime and subsequent identification;
 - 3) The level of certainty demonstrated by the witness at the identification;
 - 4) The accuracy of the witness' prior description of the suspect;
 - 5) The witness' degree of attention during the crime; and
 - 6) The confidence level of the witness in terms of the witness' statement, conduct, or other relevant observations.
- c. In order to avoid undue influence, witnesses should view suspects or a line-up individually and outside the presence of other witnesses.
- d. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.
- e. All photographic line-ups, live line-ups, and field show-ups shall be documented on the [Eyewitness Identification: Form A52](#), and should include:
 - 1) The date, time and location of the eyewitness identification procedure;
 - 2) The name and identifying information of the witness;
 - 3) The name of the person administering the identification procedure;
 - 4) If applicable, the names of all of the individuals present during the identification procedure;
 - 5) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator;
 - 6) An instruction to the witness that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification;

- 7) If the identification process is a photographic or live line-up, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident;
 - 8) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness;
 - 9) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions;
 - 10) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- f. When practical, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

506.4.1: FIELD SHOW-UPS

- a. Because of the increased likelihood of improper suggestiveness, field show-ups should not be used unless there are compelling reasons to not use a live or photographic line-up (e.g., suspect detained in the field contemporaneous to a crime).
 - 1) Prior to initiating a field show-up, the member should obtain a complete description of the suspect from the witness, and consider the following:
 - A. The length of time the witness observed the suspect;
 - B. The distance between the witness and the suspect;
 - C. Whether the witness could view the suspect's face;
 - D. The quality of the lighting when the suspect was observed by the witness;
 - E. Whether there were distracting noises or activity during the observation;
 - F. Any other circumstances affecting the witness' opportunity to observe the suspect
 - G. The length of time elapsed between the witness' observation of the suspect and the field show-up.
- b. If safe and practical, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- c. Witnesses should be transported to the location of the subject to facilitate the show-up.
 - 1) Absent unusual circumstances, suspects should not be transported to witness locations for show-ups.
- d. The person who is the subject of the show-up should not be shown to the same witness more than once.
- e. In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

- f. A person who is the subject of the 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.
- g. If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect.
 - 1) In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

506.4.2: PHOTOGRAPHIC AND LIVE LINE-UPS

- a. A live line-up should only be used before criminal proceedings have been initiated against the suspect.
 - 1) If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.
- b. Individuals in the line-up should reasonably match the description of the perpetrator 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 line-up should be conducted for each suspect. The suspects should be placed in a different order within each line-up.
- d. The member presenting the line-up to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the line-up.

506.5: FIREARM IDENTIFICATION PROCESS

- a. When practical, firearm identifications should be conducted by an officer other than the officer who has primary investigation of the case in order to avoid inadvertently influencing the witness' decision.
- b. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.
- c. All firearm identifications shall be documented on the [Firearm Identification: Form A71](#), and should include:
 - 1) The date, time and location of the firearm identification procedure;
 - 2) The name and identifying information of the witness;
 - 3) The name of the person administering the firearm identification procedure;

- 4) If applicable, the names of all of the individuals present during the firearm identification procedure;
 - 5) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness;
 - 6) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- d. When practical, the firearm identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.