



Colorado Springs Police Department

Standard Operating Procedure

DL-1036-01 Showup Identifications

Section 1000 – Patrol Functions

Effective Date: 11/11/2021

Supersedes Date: 3/2/2021

.01 Purpose

The purpose of this directive is to specify and set procedures for conducting in-person showup identifications.

.02 Cross Reference

[GO 120 Treatment of the Public](#)

[GO 121 Fair and Impartial Policing](#)

[GO 550 Deaf or Hard of Hearing Persons](#)

[GO 504 Body Worn Cameras](#)

[GO 1036 Identifications](#)

[GO 1005 Reporting Citizen Contacts](#)

[DL-1036-02 Sequential Photographic Identifications](#)

[DL-1002-01 Determining Probable Cause](#)

.03 Definitions

Showup: A process in which a single subject is presented to an eyewitness for the purpose of determining whether the eyewitness identifies them as the suspect in a crime.

Subject: A person who is possibly but not yet positively identified/excluded as being involved in/associated with a criminal act.

Suspect: A person believed to be involved in a criminal act.

.04 Procedure

A showup will be conducted only under the following circumstances and in accordance with the outlined procedures.

Failure to comply with the identification directives will be considered relevant evidence in any case involving eyewitness identification, when admissible, in accordance with CRS §16-1-109 (5). Showups must be conducted in accordance with CRS §§ 16-1-109 & 10.

Showup Conditions

A showup may **only** be conducted by a peace officer under the following conditions:

- A subject has been detained for their possible involvement in a crime
- To verify the identity of an intimate relationship in a domestic violence case
- To confirm the identity of a family member, including a parent, child, or sibling known to the eyewitness

Detained Subject

When a subject has been detained as part of a criminal investigation, the officer may conduct a showup when all the conditions are present:

- Following a report of alleged criminal activity;
- Officer has detained a person based on a reasonable suspicion to believe the person may be involved in the alleged crime;
- Detention is within minutes of the alleged crime;
- Detention is near the location of the alleged criminal activity;
- When neither a live line up nor a photo array are available; and
- The eyewitness reasonably believes they can identify the subject.

Intimate Relationships & Family Members

Officers may also conduct a showup in the two following situations, so long as they have lawful detention authority or consent to do so:

- For an eyewitness to confirm the identity of a familial subject, including a parent, child, or sibling known to the eyewitness.
- For an eyewitness to verify the identity of an intimate relationship in a domestic violence case.

Detention

Subjects should be advised that they are suspected of involvement in a crime and the showup process. Although the reasonableness of a longer detention may be further supported by varying factors (e.g., the investigation of a very serious crime, the unavailability of the suspect later), every effort should be made to conduct the showup as soon as possible, and any deviation thoroughly documented in the report.

A subject may be detained for a reasonable amount of time by an officer who is conducting a preliminary investigation into a criminal act, typically twenty (20) minutes unless additional time is warranted because of new/emerging information.

Required Assessments

In conducting a showup, officers will assess the following:

Environmental Considerations

The location for the showup must be as well-lit, as practicable, with an unobstructed view of the subject of the showup.

Suggestiveness

Officers will take all reasonable steps to avoid external factors that could be suggestive to the eyewitness, to include verbal comments, computer screen data, or any other information concerning the subject.

Officers will not require the subject person to put on a suspect's clothing, speak specific words uttered by the suspect, or perform any specific actions mimicking those of the suspect that reportedly occurred during the commission of the crime.

Officers will not show the subject person to the eyewitness while in handcuffs or in the back of the patrol vehicle, except in the following circumstances:

- To prevent an imminent threat of physical harm (e.g., type of crime involved, threat of attack/assault, potential harm to officers or others, etc.)
- Attempts to escape from detainment (e.g., physical movement, body language, previous attempts to avoid detection/detention, suspect history, etc.)

Physical Evidence

If physical evidence relevant to the crime is recovered from the suspect, it may be shown to the eyewitnesses participating in a showup, however no information will be provided to the eyewitness regarding the circumstances of its recovery.

Transportation of Eyewitness(es)

The officer will transport the eyewitness(es) individually to the location of the subject.

Officers should take all reasonable precautions to protect the eyewitness from the subject or other external factors or influences, both during and after the showup is conducted.

Subject Movement

When probable cause has not yet been fully developed to arrest a subject, and they are being detained only for the purposes of a showup, the subject will not be moved away from the location of the detention without their consent.

Special circumstances, such as the gathering of a hostile crowd, or injuries to the eyewitness which would prevent the eyewitness from being brought to the scene, may justify some movement of the subject, however subject movement should be minimized.

Subjects will not be moved to a police facility to conduct a field identification showup.

Multiple Eyewitnesses

When multiple eyewitnesses exist, officers will separate them and then escort them individually to view the subject.

If an identification is made and probable cause to arrest the suspect is developed, any subsequent eyewitness identifications must be conducted using either a live line-up or photo array, in accordance with applicable directives.

Multiple Subjects

When multiple subjects exist, officers will separate the subjects and conduct separate showups for each.

Interpreters Recommended

When conducting a showup with an eyewitness who has limited English proficiency or who is hearing impaired or deaf, the officer should obtain an interpreter prior to conducting the showup, as feasible. The lack of an interpreter will not preclude the use of any evidence developed as a result of the showup, so long as the required process was followed.

Feedback

Officers are prohibited from providing the eyewitness with any feedback at the conclusion of the showup or providing any other undue influence.

Showup Procedure

Required Admonition and Questions

Prior to conducting a showup, the officer will state the following to each eyewitness:

“You should not assume the person you are about to see has committed a crime. We could be showing you a person for many reasons, including to clear the person from investigation. Eliminating a person from an investigation serves an equally important purpose as identifying a person who might have been involved in the criminal activity. The investigation of this matter will continue whether or not you identify a person. Apart from individual assistance and cooperation with law enforcement, we cannot discuss the investigation with you. Please do not discuss what you saw, said, or did during this procedure with any other eyewitness.”

The officer will then ask each eyewitness if they:

1. Understand the instructions
2. Agree to comply with the instructions
3. Have any questions

The eyewitness must respond affirmatively to each of these questions for the showup to be conducted. The officer may then conduct the showup.

Eyewitness Identification

If an eyewitness makes or does not make an identification during a showup, the officer will ask the eyewitness whether they are:

- Confident in their identification/lack of identification
- Somewhat confident in their identification/lack of identification
- Not confident in their identification/lack of identification

Arrest or Release

If probable cause is developed during the investigation, including during the showup, the suspect should be arrested.

If eyewitnesses do not identify the suspect, and sufficient probable cause does not exist through other evidence, the suspect will be released unless a lawful reason exists to extend the detention.

Showup Reporting

All information regarding the showup will be documented in a supplemental report, by the facilitating officer, which will include as much detail as possible in the following areas:

- Date, time, and location of the showup
- Eyewitness information
- Subject information
- How the showup was conducted
- Issuance of the admonition
- Eyewitness level of certainty if an identification is made (e.g., confident, somewhat confident, not confident)
- Any eyewitness statements, using the eyewitness's own words
- Outcome of the showup
- Any other pertinent information