

	<b>PARADISE VALLEY POLICE GENERAL ORDER</b>  <b>Eyewitness Identification</b>	Order Number
		<b>42.5</b>  Date <b>03-01-15</b>

## 42.5 Eyewitness Identification

- A. Complete documentation of any identification process *will* be made, including the date, time, location and identity of those present and any significant statements made by those present, including the witness, *officer*, attorney and suspect. When practical, identification procedures should be audio or video recorded. The Department does not use physical line-ups.
- B. An eyewitness identification procedure is unnecessary when a witness indicates that they are unable to identify the suspect, knew the suspect prior to the crime, or learned the identity of the suspect from some third-party source (for example, the newspaper).
- C. A suspect or likeness of the suspect *should* not be deliberately displayed to more than one witness at a time. Witnesses *should* not be permitted to state their conclusion regarding a suspect identification in the presence or hearing of another witness.
- D. *Officers shall* not, in any manner prior to or after an identification, indicate an opinion regarding guilt, innocence or identity of a suspect to a witness. The witness's recollection, unaided by outside influences, *must* govern the identification.
- E. *Officers may* drive cooperating witnesses around the general area of the crime in an effort to locate the suspect. The results of such an identification process *should* not be broadcast on a police radio due to the proximity of *officers* to other potential witnesses.

### 42.5.1 Show-Up (One-on-One) Identification

- A. If a person is *arrested* or detained within a reasonable time of the offense (generally, within two hours), and a witness agrees to do so, an identification procedure known as a "show-up" or one-on-one identification *may* be used.
- B. If a suspect is *arrested* or provides written or recorded verbal consent to be transported, then the suspect can be taken to the witness. Otherwise, the suspect *will* not be taken to the witness' location for the identification procedure.
- C. The witness *shall* be advised that the person being detained *may* or *may* not be the person involved in the crime (this notification to the witness shall be documented). The *officer will* avoid making any statements that would in any way affect the witness' identification (such as stating the suspect has been *arrested*, made incriminating statements, or possessed incriminating *evidence*).



## PARADISE VALLEY POLICE GENERAL ORDER

### Eyewitness Identification

Order Number

**42.5**

Date

**03-01-15**

when detained). If the witness identifies the person being detained as a suspect, the witness should be asked to state the basis for their the identification.

- D. If there is more than one witness who *will* participate in the identification, the witnesses *shall* be separated and *shall* each make a separate identification of the suspect.
- E. A suspect *shall* not be detained for an unreasonable period of time (generally no longer than the time it takes to conduct a brief investigation to confirm or dispel suspicion that they have committed a criminal offense) for the identification, unless *probable cause* is developed to *arrest* the suspect, or, after being clearly informed that cooperation is not mandatory, the suspect consents to take part in the show-up.
- F. Detailed documentation of the facts and circumstances of a show-up procedure *shall* be included in a *Department report*. Show-up procedures, including the witness' comments during the identification, *should* be audio or video recorded.

#### 42.5.2 Photographic Lineup Identification

- A. The *Department's* preferred eyewitness identification method is a photographic line-up. Such line-ups *shall* include five or more photographs, all in color or all in black and white; of substantially similar general appearance; include the face only (all other information on the photograph *shall* be covered). To the extent feasible, the background in each photo *will* be the same. If multiple suspects are involved in a crime, only one suspect *will* appear in a line-up. If multiple witnesses are involved in the case, separate photographic lineup identifications will be performed with each witness.
- B. To avoid any allegation that the *officer* influenced the witness during the identification procedure, the photographic line-up *should* be shown to the witness by an *officer* who does not know whether the line-up contains the suspect, or who the suspect is. In some situations the investigator *will* need to do the line-up because no other appropriate *officer* is available.
- C. In either case, the presenter *should* handle the line-up as follows. The line-up photos *should* be printed one at a time, randomly mixed, placed in a file folder and given to the witness. The witness should then be seated across from the officer so that the officer cannot see the photos the witness is viewing. The



## PARADISE VALLEY POLICE GENERAL ORDER

### Eyewitness Identification

Order Number

**42.5**

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*officer should* ask the witness to look at the photos one at a time, turning the photos over so that no two photos are visible at the same time. The *officer must* take care not to say anything or do anything that communicates the identity of the suspect or influences the witness in any way.

1. Prior to viewing the line-up, the *officer shall* ask the witness to review the written instructions and sign the instruction document.
2. The *victim should* view the photographs one at a time and *should* be allowed to look at each photo as long as desired. The *victim* or witness *should* view all photographs even if the witness identifies the suspect before seeing all of the photographs. The witness *may* go through the photos a second time if desired. If the witness goes through the photographs a second time, this fact *shall* be documented in the *DR*.
3. After the line-up, the *officer shall* initial the back of each photograph, noting the date and time of the identification procedure. If the witness identifies a person as the suspect, the witness *should* be instructed to initial and date the back of the photograph. The officer should ask the witness for the basis for their identification of the person as the suspect. The *officer's* documentation of the line-up *should* include any witness reactions or statements regarding the photograph, as well as the date and time the photographs were shown to the witness. Photographic line-up procedures *should* be audio or video recorded.
4. The actual photographs used *must* be preserved so that the line-up can be reconstructed at trial.