


Eyewitness Identification

604.1 POLICY HEADER

Original Effective Date:	Revised Date:
September 1, 2021	January 4, 2023
<p>Authorization:</p>  <p>Jason Haberman Chief of Police</p>	

604.2 PURPOSE AND SCOPE

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

604.2.1 DEFINITIONS

Definitions related to this policy include:

Eyewitness identification process - Any field identification, live lineup, or photographic identification.

Field identification (also known as a 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 lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup (also known as a photo array) - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.3 POLICY

The Mt. Lebanon Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.4 INTERPRETIVE SERVICES

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.

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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.

604.5 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Services Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process shall include appropriate forms ([Sequential Photo Array Checklist](#) and the [Show-Up Checklist](#)) and process approved by the Allegheny County District Attorney's Office, to include:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as they did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that the witness understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain the witness is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

604.6 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

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In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup 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. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup 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 lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification (e.g., a suspect is detained in the field based upon reasonable suspicion and within a reasonable time after the offense). A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases, a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 1. The length of time the witness observed the suspect.
 2. The distance between the witness and the suspect.
 3. Whether the witness could view the suspect's face.
 4. The quality of the lighting when the suspect was observed by the witness.

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5. Whether there were distracting noises or activity during the observation.
 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
 - (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
 - (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
 - (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
 - (g) The 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.
 - (h) 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. In such instances, members should document the contact information for any additional witnesses for follow-up, if necessary.

604.9 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification shall be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

Attachments

Form 75 - Sequential Photo Array Checklist.pdf



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Sequential Photo Array Checklist



- Read the following instructions to the witness:
 - A. In a moment, I am going to show you a series of photos. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the photos in the series. Keep in mind that things like hairstyles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs.
 - B. You should not feel you have to make an identification. This procedure is important to the investigation whether or not you identify someone. Regardless of whether you identify any suspect as the perpetrator, the police investigation is still ongoing. Because you are involved in an ongoing investigation, to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.

- Explain the photo array process to the witness:
 - A. I am going to show you a series of photos one at a time, in no particular order.
 - B. Take as much time as you need to look at each one.
 - C. After each photo, I will ask you if that is the person who _____.
(describe the act witnessed)
 - D. If you answer "yes," to confirm, I will then ask you, "Are you sure?"

- Obtain witness's signature on the bottom of this form, acknowledging their receipt of these instructions.

- Show each photo to the witness. Ask the witness, "Is that the person you saw _____?"
(insert the act witnessed)

- If a suspect is identified, immediately obtain an affirmation statement: Ask the witness "Are you sure." Document the witness's statement verbatim on the rear of this form and in your investigative report.

- Whether or not an identification is made, continue to show all photos to the witness.

I have received instructions regarding the photo array process. I understand the instructions and I will follow them as I review the photos.

NAME

SIGNATURE

DATE



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Sequential Photo Array Checklist



I have indicated that photo # _____ is the person who (describe the act witnessed):

Witness Initials: _____

Witness Affirmation Statement:

Witness Initials: _____

Form 77 - Show-Ups Checklist.pdf



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Show-Up Checklist



- Read the following instructions to the witness:
 - A. In a moment, I am going to show you an individual. The person may or may not be the suspect.
 - B. You should not feel you have to make an identification. This procedure is important to the investigation whether or not you identify someone. Regardless of whether you identify any one as the perpetrator, the police investigation is still ongoing.
 - C. After you observe the individual, I will ask you "Is this the person you saw _____?" Take your time answering the question.
(insert description of act here)
 - D. If you answer "yes", to confirm, I will then ask you, "Are you sure?"
 - E. Because you are involved in an ongoing investigation, to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.
- Obtain witness's signature on the bottom of this form, acknowledging their receipt of these instructions.
- Show each individual to the witness. Ask the witness, "Is that the person you saw _____?"
(insert the act witnessed)
- If a suspect is identified, immediately obtain an affirmation statement: Ask the witness, "Are you sure?" Document the witness's statement verbatim on this form and in your investigative report.

I have received instructions regarding the show-up process. I understand the instructions and I will follow them as I review the individuals.

NAME

SIGNATURE

DATE



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Show-Up Checklist



I have indicated that the individual shown to me is the person who (describe the act witnessed):

Witness Initials: _____

Witness Affirmation Statement:

Witness Initials: _____