

# TALLAHASSEE POLICE DEPARTMENT

## GENERAL ORDERS

 Proudly Policing Since 1841	<b>SUBJECT</b>  Lineups and Show-ups		 Nationally Accredited 1986
	<b>CHIEF OF POLICE</b> <i>Signature on File</i>		
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### AUTHORITY/RELATED REFERENCES

CID-21, Training Plan  
 FS 92.70, Eyewitness Identification  
 General Order 16, Digital Audio/Video Recording System  
 General Order 18, Criminal Investigations  
 General Order 42, Impounding and Controlling of Property and Evidence

### ACCREDITATION REFERENCES

CALEA Chapter     42  
 CFA Chapter        15

### KEY WORD INDEX

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### POLICY

Department members are responsible for conducting photographic lineups, physical lineups, and show-ups in a fair and impartial manner and adhering to established protocols in the course of criminal investigations.

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### DEFINITIONS

**Blank Photo:** A blank sheet of paper the same size as the photographs utilized in a photo array.

**Driver and Vehicle Information Database (DAVID):** A multifaceted database that affords immediate retrieval of driver and motor vehicle information for law enforcement and criminal justice officials.

**Filler Photo:** A photograph of a person other than the suspect used in a photo array.

**Functional Equivalent Procedure (FEP):** A sequential photographic lineup protocol utilized in the absence of an independent administrator, permitting the investigating member to conduct the lineup without knowing beforehand when the suspect photograph is presented to the witness.

**Independent Administrator:** A member administering a photographic lineup or physical lineup who has no knowledge of the suspect's identity.

**Investigating Member:** The member with the primary responsibility for investigating a crime, either through self-initiation or assignment.

**Level of Confidence:** The degree of certainty in an identification of a person which can be demonstrated through a witness's statements or gestures made contemporaneous to viewing a photographic lineup, physical lineup, or show-up.

**Photo Array:** The suspect photograph, filler photos, blank photos, and folders utilized in a photographic lineup.

**Photographic Lineup:** The process by which a witness views a group of individuals with similar physical characteristics, in separate photographs sequentially, in an effort to identify the perpetrator of a specific crime.

**Physical Lineup:** The process by which a witness views a group of individuals with similar physical characteristics, in person simultaneously, in an effort to identify the perpetrator of a specific crime.

**Show-Up:** The process by which a witness is given the opportunity to view a person the police have detained within a short period of time after the incident. This process enables members to either identify the detained person as the suspect or release the person and focus attention on locating the actual person responsible for the crime.

**Witness:** A person who personally sees, perceives, or knows something relative to a criminal act or non-criminal incident.

**PROCEDURES**

**I. PHOTO ARRAY – CREATION AND COMPOSITION**

- A. It is the responsibility of the member who creates a photo array, and the member who conducts the photographic lineup, to ensure it is free of any item or condition that would render it biased, prejudicial, or inadequate for later presentation in a court of law.
- B. When creating a photo array, members shall ensure it consists of only:
  - 1. One photograph of the suspect,
  - 2. Five filler photos,
  - 3. Two blank photos, and
  - 4. Eight folders.
- C. When creating a photo array, members shall ensure the photographs are:
  - 1. Contemporary photographs of individuals who are reasonably similar in age, height, weight, and general appearance and are of the same gender and race as the known suspect description, and
  - 2. The same size and basic composition.
- D. When creating a photo array, members shall ensure it does not contain:
  - 1. Photographs of multiple suspects from the same incident,
  - 2. Any identifying information (i.e., name, date of birth) on any person included in the photo array,
  - 3. A mix of black and white and color photographs,
  - 4. A mix of mug shots and other photographs, or
  - 5. More than one photograph or blank photo per folder.
- E. When creating a photo array, members shall ensure the folders used are of the same shape, size, color and condition.
- F. When creating a photo array for presentation by an independent administrator,

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members are responsible for adhering to the following protocols:

1. Do not place the suspect photograph in the first folder to be presented.
  2. Place the two blank photos in the seventh and eighth folders.
  3. Number the photographs before the presentation of the photo array.
  4. Do not number the blank photos.
  5. Do not number the folders.
  6. Transfer the folders to the independent administrator in the numerical order of the photographs (1 – 6) followed by the folders containing the blank photos (7 – 8). This order shall not be changed by the independent administrator.
- G. When creating a photo array for presentation utilizing the functional equivalent procedure (FEP), members are responsible for adhering to the following protocols:
1. Do not number the photographs before the presentation of the photo array.
  2. Do not number the blank photos.
  3. Do not number the folders.

## II. PHOTOGRAPHIC LINEUP – INDEPENDENT ADMINISTRATOR

- A. Members shall present photographic lineups by utilization of an independent administrator.
1. Only a sworn member can be utilized as an independent administrator.
  2. Supervisors are responsible for assisting investigating members as necessary in selecting an independent administrator.
  3. When the utilization of an independent administrator is not practical due to the time of day, location, or some other articulable exigent circumstance, investigating members are authorized to conduct the photographic lineup by use of the FEP.
- B. The investigating member shall not disclose the identity of the suspect to the independent administrator prior to the photographic lineup.

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- C. The independent administrator is responsible for adhering to the presentation procedures described in section IV below and on the *Instruction, Admonition & Affidavit – Photographic Lineup by Independent Administrator* form (PD 295).

**III. PHOTOGRAPHIC LINEUP – FUNCTIONAL EQUIVALENT PROCEDURE**

- A. Utilization of the FEP is authorized only as described in subsection II A 3 above.
- B. The investigating member is responsible for adhering to the presentation procedures described in section IV below and on the *Instruction, Admonition & Affidavit – Photographic Lineup by Functional Equivalent Procedure* form (PD 296).

**IV. PHOTOGRAPHIC LINEUP – PRESENTATION PROTOCOLS**

- A. Members are responsible for utilizing the PD 295 or PD 296 for each photographic lineup and strictly adhering to the instructions on the form which include:
  - 1. Providing instruction and admonition to the witness prior to the presentation of the photo array.
  - 2. Requesting the witness to:
    - a. Acknowledge having received a copy of the lineup instructions (see subsections G and H below) and understanding them,
    - b. Provide information concerning their viewing of the photo array, and
    - c. Affirm (by signature) the information they provided during the photographic lineup is true and correct.
  - 3. Signing the form acknowledging their observation of the witness's signature.
- B. If a witness refuses or is unable to acknowledge the instructions, but still wants to view the photo array, the member is authorized to conduct the photographic lineup, and shall:
  - 1. Indicate the witness's refusal or inability on the PD 295/PD 296,
  - 2. Sign the PD 295/PD 296 in the designated section, and

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3. Document the witness's refusal or inability (and any statements by the witness regarding their refusal or inability) in the appropriate offense report.
- C. If a witness views the photo array, but refuses or is unable to provide the post-viewing information as requested on the PD 295/PD 296, the member is responsible for:
1. Indicating the witness's refusal or inability on the PD 295/PD 296,
  2. Signing the PD 295/PD 296 in the designated section,
  3. Documenting the witness's refusal or inability (and any statements by the witness regarding their refusal or inability) in the appropriate offense report, and
  4. Documenting any identification made by the witness (whether or not it was the suspect) or their inability to make an identification in the appropriate offense report.
- D. When administering a photographic lineup, the member shall:
1. Ensure the witness is in a secure, isolated environment when viewing the photo array, free of distractions or contact with other witnesses or members, and:
    - a. Scrupulously avoid any conduct that might directly or indirectly influence the witness's decision,
    - b. Refrain from informing the witness the number of photographs included in the photo array prior to or during the display of the array,
    - c. Refrain from informing the witness the suspect is in the photo array,
    - d. Refrain from informing the witness another witness has already identified, or not identified, a suspect in the photo array, and
    - e. After providing the instructions and admonition as directed in the PD 295/PD 296, step away from the witness's immediate vicinity and avoid being in the witness's direct line of sight in order to:
      - 1) Minimize the opportunity for inadvertent behavior to influence the witness's decision, and

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- 2) Provide the witness a more relaxed opportunity to view the photo array.
2. Have the witness initial each photograph viewed (but not the blank photos) and clearly mark the photograph selected should one be identified as the suspect (whether or not the selection is correct).
  3. If the witness misidentifies the suspect in the photo array, not indicate verbally or non-verbally to the witness the correct person was not selected.
  4. If the witness identifies the suspect in the photo array, not indicate verbally or non-verbally to the witness the correct person was selected.
  5. Advise the witness it is important to the investigation to not discuss the photographic lineup or photo array with any other witness.
- E. The photo array may be presented to the witness a second time only when requested by the witness, and in doing so the member shall adhere to the following:
1. The entire photo array is presented in the same sequence as originally presented (even if the witness only requests to see one or two or a few of the photographs), and
  2. The photo array is only presented a second time.
- F. When there are multiple witnesses to view a photo array, members are required to conduct different photographic lineups and present different photo arrays for each witness and shall ensure:
1. Each witness presented a photo array is directed to not discuss the photographic lineup or the results with any other witness,
  2. The photo array is presented to only one witness at a time,
  3. If the witnesses are participating in a photographic lineup at generally the same time and place, they are kept separate to ensure they are not aware of the responses of the other witnesses and do not have an opportunity to discuss the lineup procedure or the photo array, and
  4. The placement of the suspect photograph is in a different position for each photo array, but (when presented by an independent administrator) not in the first folder to be presented.

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- G. In compliance with FS 92.70 (Eyewitness Identification), the member administering the photographic lineup is responsible for providing the witness with a copy of the lineup instructions.
1. If the lineup was administered by an independent administrator, the member shall provide the witness with a PD 295a (Eyewitness Instructions – Photographic Lineup by Independent Administrator).
  2. If the lineup was administered by the functional equivalent procedure, the member shall provide the witness with a PD 296a (Eyewitness Instructions – Photographic Lineup by Functional Equivalent Procedure).
- H. Witnesses are required by FS 92.70 to acknowledge, in writing, having received a copy of the lineup instructions.
1. Members are responsible for requesting the written acknowledgement in the designated section of the PD 295/PD 296.
  2. If the witness refuses or is unable to sign/initial the PD 295/PD 296, the member is responsible for the following:
    - a. Indicating the witness's refusal or inability on the PD 295/PD 296,
    - b. Signing the PD 295/PD 296 in the designated section, and
    - c. Documenting the witness's refusal or inability (and any statements by the witness regarding their refusal or inability) in the appropriate offense report.

### **V. PHOTOGRAPHIC LINEUP – DOCUMENTATION AND EVIDENTIARY CONSIDERATIONS**

- A. The member conducting the photographic lineup shall ensure the following information is documented on the PD 295/PD 296 or in the appropriate offense report:
1. Date, time, and location of the lineup,
  2. Names of all persons present during the lineup,
  3. Name of the member who created the photo array, and
  4. The outcome of the lineup, to include the following:

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- a. The witness's inability to make an identification, or
  - b. If an identification was made (whether or not it was the suspect), the number of the selected photograph, and the level of confidence (gestures and exact words) displayed by the witness, and
  - c. If an independent administrator was not utilized, an explanation of the exigent circumstance(s) causing the use of the FEP.
- B. Members are authorized to audio or audio/video record the photographic lineup and, if recorded, the following protocols apply:
1. The recording must capture the entire process (i.e., all the protocols listed in subsection IV A above and the photo array viewing).
  2. The member responsible for the recording must identify the following on the recording:
    - a. All persons present during the photographic lineup,
    - b. Whether or not any identification was made,
    - c. If an identification was made, the number of the selected photograph (without comment on whether or not it was the suspect), and
    - d. If an identification was made, the level of confidence displayed by the witness.
- C. Regardless of positive suspect identification, the investigating member is responsible for impounding the suspect and filler photographs used in the photographic lineup and the accompanying PD 295/PD 296 in adherence to the evidence protocols in General Order 18 (Criminal Investigations) and in a manner described in General Order 42 (Impounding and Controlling of Property and Evidence).
- D. Investigating members are responsible for maintaining copies of the suspect and filler photographs used in the photographic lineup (and the accompanying PD 295/PD 296) in their case file.

### **VI. USE OF SINGLE PHOTO/IMAGE IN LIEU OF PHOTOGRAPHIC LINEUP**

- A. In certain circumstances during an investigation, in an effort to properly identify a suspect, the investigating member may show the victim or witness a single

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photograph or digital image of the suspect in lieu of presenting the victim or witness a photo array.

- B. The following factors must be present to use a single photograph or digital image instead of a photographic lineup:
  - 1. The suspect is known to the victim or witness by name, nickname or alias, and
  - 2. The victim or witness is acquainted with the suspect in some manner (e.g., lived in same neighborhood, attended same school, worked together).
- C. Members who need guidance in determining if the showing of a single photograph or digital image is permissible shall seek guidance from their immediate supervisor, the Department's Legal Advisor, or a State Attorney's Office representative.
- D. The following protocols are not applicable to the showing of a single photograph or digital image to a victim or witness:
  - 1. Completion of a PD 295/PD 296, and
  - 2. Utilization of an independent administrator.
- E. When using a single photograph or digital image as prescribed in this section, the photo/image and its presentation must be free of any item or condition that would render it biased, prejudiced, or inadequate for later presentation in a court of law.
- F. Members are authorized to audio or audio/video record the victim or witness being shown a single photograph or digital image of the suspect and, if recorded, the following protocols apply:
  - 1. The recording must capture the entire process.
  - 2. The member responsible for the recording must identify the following on the recording:
    - a. All persons present during the showing of photograph/image,
    - b. Whether or not any identification was made, and
    - c. If an identification was made, the level of confidence displayed by the witness.

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- G. The member showing a single photograph or digital image in lieu of a photographic lineup shall ensure the following information is documented in the appropriate offense report:
1. Date, time, and location of the showing of the photograph or digital image,
  2. Names of all persons present,
  3. Origin of the photograph or digital image,
  4. Procedures used and outcome of the showing of the photograph or digital image, and
  5. The level of confidence (gestures and exact words) displayed by the witness.
- H. Regardless of positive suspect identification, the investigating member is responsible for adhering to the evidence protocols in General Order 18 (Criminal Investigations) and General Order 42 (Impounding and Controlling of Property and Evidence) by:
1. Impounding the photograph, or
  2. If a digital image is used, taking the necessary steps to ensure the image is uploaded into Evidence.com. When a digital image is from DAVID, the investigating member shall include an image of PD 203 (DAVID Confidentiality Notice) in the upload.
- I. Investigating members are responsible for maintaining a copy of the photograph or digital image in their case file (if applicable).

### **VII. PHYSICAL LINEUP PROTOCOLS**

- A. Members shall present a physical lineup by utilization of an independent administrator.
1. Only a sworn member can be utilized as an independent administrator.
  2. Supervisors are responsible for assisting investigating members as necessary in selecting an independent administrator.
  3. The investigating member shall not disclose the identity of the suspect to the independent administrator prior to the physical lineup.

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- B. Members seeking to conduct a physical lineup shall first:
1. Obtain approval from their assistant bureau commander, and
  2. Seek guidance from either the Department's Legal Advisor or a representative of the State Attorney's Office regarding whether or not the suspect's right to counsel has attached.
- C. When planning an approved physical lineup, the investigating member shall ensure the following occur in a timely manner:
1. The detention facility shift commander is contacted as soon as practical to make facility arrangements and select the individuals to participate in the lineup.
  2. The detention facility representative assigned to arrange the lineup is provided with the following:
    - a. A photograph and full description of the suspect in advance of the lineup to assist in the selection of individuals to participate in the lineup, and
    - b. The information listed in subsections D and E below regarding the specific needs for the lineup.
  3. If the SAO is not already aware of the situation (see subsection B 2 above), an SAO representative is informed of the details of the case necessitating the need for a physical lineup.
  4. The lineup is scheduled on a date and time convenient for all concerned parties (i.e., SAO, defense counsel, witnesses, and detention facility).
- D. Even though the non-suspect participants are selected by the detention facility, the investigating member is responsible for ensuring:
1. The lineup is free of any item or condition that would render it biased, prejudicial, or inadequate for later presentation in a court of law, and
  2. The participants are reasonably similar in age, height, weight, and general appearance and are of the same gender and race as the known suspect description.
- E. When preparing for a physical lineup, the investigating member shall ensure:

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1. The lineup consists of at least six persons, including the suspect.
  2. There is only one suspect per lineup (if there is a second suspect, a separate lineup shall be conducted).
  3. All individuals in the lineup are numbered consecutively, and the numbers are consistent in appearance.
  4. The suspect does not exhibit any physical characteristic making him/her conspicuous in the lineup.
  5. If the suspect has been charged with the crime for which they are being placed in the lineup, Miranda warnings are provided prior to their participation in the lineup.
- F. Prior to conducting a physical lineup, the independent administrator is responsible for the witness being informed about the lineup procedure, and shall ensure:
1. Only one person provides the lineup instructions,
  2. The witness does not see any photographs of the suspect immediately prior to the lineup,
  3. The individuals in the lineup are not seen by the witness prior to the lineup presentation,
  4. The names of the individuals in the lineup are reviewed with the witness prior to the lineup to determine if the witness knows any of the individuals (if the witness knows an individual to be presented in the lineup, the individual shall be replaced), and
  5. If there are multiple witnesses being presented the lineup at generally the same time and place, they are kept separate to assure they are not aware of the responses of the other witnesses and do not have an opportunity to discuss the lineup procedure.
- G. The independent administrator is responsible for utilizing a PD 297 (Instruction, Admonition & Affidavit – Physical Lineup) for each physical lineup and adhering to the instructions on the form which include:
1. Providing instruction and admonition to the witness prior to the presentation of the physical lineup.

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2. Requesting the witness to:
    - a. Acknowledge having received a copy of the lineup instructions (see subsections N and O below) and understanding them,
    - b. Provide information concerning their viewing of the lineup, and
    - c. Affirm (by signature) the information they provided during the lineup is true and correct.
  3. Signing the form acknowledging their observation of the witness's signature.
- H. If a witness refuses or is unable to acknowledge the instructions, but still wants to view the physical lineup, the independent administrator is authorized to conduct the lineup, and shall:
1. Indicate the witness's refusal or inability on the PD 297,
  2. Sign the PD 297 in the designated section, and
  3. Document the witness's refusal or inability (and any statements by the witness regarding their refusal or inability) in the appropriate offense report.
- I. If a witness views the physical lineup, but refuses or is unable to provide the post-viewing information as requested on the PD 297, the independent administrator is responsible for:
1. Indicating the witness's refusal or inability on the PD 297,
  2. Signing the PD 297 in the designated section,
  3. Documenting the witness's refusal or inability (and any statements by the witness regarding their refusal or inability) in the appropriate offense report, and
  4. Documenting any identification made by the witness (whether or not it was the suspect) in the appropriate offense report.
- J. In administering a physical lineup, the independent administrator shall:
1. Scrupulously avoid any conduct that might directly or indirectly influence a witness's decision,

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2. Not inform the witness the suspect is in the lineup,
  3. Not inform the witness another witness has already identified, or not identified, the suspect in the lineup,
  4. After providing the instructions and admonition as directed in PD 297, step away from the witness's immediate vicinity and avoid being in the witness's direct line of sight in order to:
    - a. Minimize the opportunity for inadvertent behavior to influence the witness's decision, and
    - b. Provide the witness a more relaxed opportunity to view the lineup,
  5. If the witness misidentifies the suspect in the lineup, not indicate verbally or non-verbally to the witness they did not select the correct person,
  6. If the witness identifies the suspect in the lineup, not indicate verbally or non-verbally to the witness they selected the correct person, and
  7. Advise the witness it is important to the investigation to not discuss the lineup with any other witness.
- K. When conducting a physical lineup, the independent administrator shall only refer to the individuals in the lineup by their assigned number, and:
1. Ensure all the individuals begin by standing and facing forward toward the witness.
  2. Direct all individuals, in unison, to turn a one-quarter turn to the right. After a pause, direct all individuals, in unison, to turn another one-quarter turn to the right. Continue this process until all individuals are facing the front again.
  3. Direct subject #1 to step forward and repeat the directions as in subsection K 2 above. Once complete, have individual #1 step back in line.
  4. Repeat the process in subsection K 3 above for every individual in the lineup.
- L. If a verbal statement is to be said for the witness to hear, each individual in the lineup must repeat the exact statement, individually, and in numerically assigned order, beginning with subject #1.

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- M. The independent administrator is responsible for ensuring the following information is documented on the PD 297 or in the appropriate offense report:
1. Date, time, and location of the lineup,
  2. Names of all persons present during the lineup,
  3. Names of the individuals in the lineup and their physical descriptions,
  4. Numerical position of each individual, and
  5. The procedures used and outcome of the physical lineup, including:
    - a. If an identification was made (whether or not it was the suspect), the name and number of the selected individual, and
    - b. If an identification was made, the level of confidence (gestures and exact words) displayed by the witness.
- N. In compliance with FS 92.70 (Eyewitness Identification), the independent administrator is responsible for providing the witness with a copy of the lineup instructions. Providing the witness with a PD 297a (Eyewitness Instructions – Physical Lineup) satisfies the statutory requirement.
- O. Witnesses are required by FS 92.70 to acknowledge, in writing, having received a copy of the lineup instructions.
1. Members are responsible for requesting the written acknowledgement in the designated section of the PD 297.
  2. If the witness refuses or is unable to sign/initial the PD 297, the member is responsible for the following:
    - a. Indicating the witness's refusal or inability on the PD 297,
    - b. Signing the PD 297 in the designated section, and
    - c. Documenting the witness's refusal or inability (and any statements by the witness regarding their refusal or inability) in the appropriate offense report.
- P. The independent administrator is responsible for ensuring the physical lineup is video recorded and captures the entire process to include:

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1. The protocols listed in subsection G above,
  2. All persons present during the lineup,
  3. If an identification was made (whether or not it was the suspect), and
  4. If an identification was made, the level of confidence displayed by the witness.
- Q. Regardless of positive suspect identification, the independent administrator is responsible for impounding the video recording, a PD 203 (DAVID Confidentiality Notice) if DAVID photos are utilized, and the accompanying PD 297 in adherence to the evidence protocols in General Order 18 (Criminal Investigations) and in a manner described in General Order 42 (Impounding and Controlling of Property and Evidence).
- R. Investigating members are responsible for maintaining a copy of the video recording and the PD 297 in their case file.

### **VIII. ADMINISTRATIVE PROTOCOLS – TRAINING AND POLICY**

- A. The commander of a bureau where members utilize photographic or physical lineups (e.g., Criminal Investigations Bureau) is responsible for ensuring each newly assigned bureau member receives training on the policies and protocols outlined in this general order during their orientation training.
- B. The Accreditation and Inspection Unit (AIU) is responsible for providing policy training to all sworn members on this general order (via Power DMS) at least once every three (3) years. The FDLE online Eyewitness Identification training may be used for policy training, as the FLDE training was used as a guideline for this policy.

### **IX. SHOW-UP PROTOCOLS**

- A. A show-up may be conducted if the suspect is located less than three (3) hours after the witness or victim observed the suspect or offense.
- B. If a suspect is located more three (3) hours after the incident, a show-up should only be conducted after consultation with a member of the Criminal Investigations Bureau.
- C. When conducting a show-up, members involved with the show-up are responsible for coordination of efforts to ensure it is free of any item or

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condition that would render it biased, prejudiced, or inadequate for later presentation in a court of law.

- D. Members are responsible for utilizing the PD 294 for each show-up and strictly adhering to the instructions on the form which include::
1. Providing instruction and admonition to the witness prior to the show-up.
  2. Request the witness to:
    - a. Provide information concerning their viewing of the show-up, and
    - b. Affirm (by signature) the information they provided during the show-up is true and correct.
  3. Signing the form acknowledging their observation of the witness's signature.
- E. If a witness refuses or is unable to acknowledge the instructions, but still wants to view the show-up, the member is authorized to conduct the show-up, and shall:
1. Indicate the witness's refusal or inability on the PD 294,
  2. Sign the PD 294 in the designated section, and
  3. Document the witness's refusal or inability (and any statements by the witness regarding their refusal or inability) in the appropriate offense report.
- F. When administering a show-up, the member shall ensure:
1. The show-up is conducted with only one witness at a time,
  2. If there are multiple witnesses, they are not permitted to communicate with one another regarding the person to be viewed or the show-up process,
  3. The witness is transported to the location where the person to be viewed has been stopped for the show-up,
  4. Anonymity is considered when a witness is asked to make an identification,
  5. The witness is advised the person being viewed may or may not be the person who committed the crime,

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6. The witness is instructed to base any identification of the person to be viewed on the person's physical features, not by their clothing, and
  7. No statements, clues, or unnecessary information is given to the witness that may influence their decision.
- G. When conducting a show-up, members shall ensure the person to be viewed is not required to:
1. Put on clothing worn during the crime,
  2. Speak words uttered during the crime, or
  3. Mimic any reported action by the suspect during the crime.
- H. Members shall ensure the witness is not given an indication whether or not they selected the actual suspect during the show-up.
- I. When there are multiple witnesses to view a show-up, members are required to transport each witness separately to the show-up location and shall ensure:
1. Each witness participating in the show-up is directed to not discuss the show-up or the results with any other witness,
  2. The show-up is presented to each witness separately,
  3. When there are multiple witnesses to view a show up at generally the same time and place, they are kept separate to ensure they are not aware of the responses of the other witnesses and do not have an opportunity to discuss the show-up procedure, and
  4. Members shall make efforts to secure radio traffic regarding the show-up from other witnesses, so they do not hear results of other witnesses.
- J. If possible, members should record the show-up via the Digital Audio/Video Recording System (AVR) or some other Department-approved method.
- K. When able to record the show-up, members should, if possible, capture the entire process to include:
1. All persons present during the show-up, and
  2. The procedures used and outcome of the show-up(s) to include the level of confidence (gestures and exact words) displayed by the witness in making, or not making, an identification of the suspect.

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- L. If video recording the show-up is not possible, the investigating member is responsible for ensuring photographs are taken of the detained person who is the subject of the show-up (to include several perspectives of the person's clothing).
- M. If the person is positively identified as the suspect, and subsequently arrested and taken to a detention facility, the investigating member or the person transporting the suspect is responsible for:
  - 1. If not done already, photographing the suspect's clothing, and
  - 2. Impounding the suspect's clothing.

### **X. SHOW-UP – DOCUMENTATION AND EVIDENTIARY CONSIDERATIONS**

- A. The investigating member or the member conducting the show-up shall ensure the following information is documented on the PD 294 or in the appropriate offense report:
  - 1. Date, time and location(s) of the show-up(s),
  - 2. Names of all participants (detainees, suspects, witnesses, victims, and members),
  - 3. The witness's opportunity to view the suspect at the time of the incident,
  - 4. The length of time between the incident and the show-up,
  - 5. The witness's degree of attention during the incident and the show-up,
  - 6. The accuracy of the witness's prior description of the suspect,
  - 7. The outcome of the show-up(s) to include the level of confidence (gestures and exact words) displayed by the witness in making, or not making, an identification of the suspect.
- B. Whether or not there is a positive suspect identification, the investigating member is responsible for adhering to the evidence protocols in General Order 18 (Criminal Investigations) and General Order 42 (Impounding and Controlling of Property and Evidence) by impounding and/or uploading the PD 294, any recording/BWC, photograph or other evidence associated with the show-up.

History: issued 08/20/2015, revised 01/17/2017, 12/11/2017, and 03/08/2021.