

## DEKALB POLICE DEPARTMENT

Subject: **Showups, Photo Lineups, and Live Lineups**

Policy #: **402.12**

Effective Since: 8-21-03

Revision Effective: 1-1-19

Reference Material: IACP Research Paper

ILEAP Standards Covered: NA

FTO Training Task: # 39

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**PURPOSE:** It is the purpose of this policy to establish guidelines for the use of eyewitness identifications involving showups, photographic lineups, and live lineups.

**POLICY:** Eyewitness identification is a frequently used investigative tool. As such, officers must adhere to the procedures set forth in order to maximize the reliability of identifications, minimize unjust accusations of innocent persons, and to establish evidence that is reliable and conforms with established legal procedure.

### DEFINITIONS:

**Showup:** The presentation of one suspect to an eyewitness in a short time frame following the commission of a crime.

**Photo Lineup:** The showing of several photographs to an eyewitness for the purpose of obtaining an identification.

**Live Lineup:** The presentation of a number of individuals, including the suspect, simultaneously before an eyewitness.

### PROCEDURES:

- A. **Showups:** Many courts have suppressed identification evidence based on the use of showups because of the inherent suggestiveness of the practice. Therefore, the use of showups should be minimized when use of a photographic or live lineup involving several persons is possible, particularly in cases where the subject is already in custody or incarcerated. When circumstances require the use of showups, usually conducted in the field, the following guidelines should be followed:
  1. Showups should occur within a short time frame, generally an hour or less, following the alleged offense, and in proximity of where the offense occurred.
  2. Showups should not be conducted when the suspect is in a cell, handcuffed, or dressed in jail clothing.
  3. Showups should not be conducted with more than one witness present at a time. If the showup is conducted separately for more than one witness, the witnesses should not be permitted to communicate regarding the identification of the suspect.
  4. Witnesses should always be taken to the location of the suspect; the suspect should not be transported to a location solely for purposes of a showup.
  5. Try to conduct the showup in such a way that the suspect cannot see the witness.
  6. Showups are not to be conducted at the victim's or witness's residence.
  7. The same suspect should not be presented to the same witness more than once.
  8. Showup suspects should not be required to put on clothing worn by the perpetrator (or anyone else), to speak words uttered by the perpetrator, or to perform other actions of the perpetrator.
  9. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator should be scrupulously avoided.
- B. **Photographic Lineup Identifications :** In conducting photographic lineup identifications, officers should adhere to the following procedures:

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1. Photographic identifications must use multiple photographs shown to an individual witness; simultaneous display of several photographs on a page or in a folder is how this is usually accomplished.
2. Officers should follow these guidelines:
  - a. Each person viewing the lineup must read and sign the department's "Lineup & Photo Spread Procedure" form (Annex A).
  - b. Whenever possible, use at least six photographs of individuals who are reasonably similar in age, height, weight and general appearance and of the same sex and race;
  - c. Whenever possible, avoid mixing color and black and white photos, use photos of the same size and basic composition, and never mix mug shots with other snapshots or include more than one photo of the same suspect;
  - d. The backgrounds should be substantially similar or the same;
  - e. Cover any portions of mug shots or other photographs that provide identifying information on the subject;
  - f. Ideally, the photo array should be displayed by an officer who does not know who the suspect is;
  - g. Show the photo lineup to only one witness at a time;
  - h. Never make suggestive statements that may influence the judgment or perception of the witness and tell witness that the suspect may or may not be included in the photo array.
  - i. Have the witness or victim initial and date the photograph that was selected.
  - j. Preserve the photo lineup, together with full information about the identification process, for future reference.
  - k. The photos should be logged into evidence or included with the case report, and the "Report on Photographic Lineup" form (Annex B) should be turned in with the case report. The form indicated in Annex B is for filling in by hand, but a computer-generated form of similar nature from the digital booking photo system may be used.

**C. Live Lineups :** usually used when the subject of the lineup is in custody.

1. The primary investigating officer shall be responsible for:
  - a. Scheduling the lineup on a date and at a time that is convenient for all concerned parties, to include all witnesses and if applicable, the prosecuting attorney and defense counsel.
  - b. Fulfill the necessary legal requirements for transfer of the suspect to the lineup location should the suspect be incarcerated at a detention center, make timely notice to the detention center concerning the pickup and make arrangements for picking up the prisoner; and
  - c. Make arrangements to have four to six other persons act as "fill ins" at the lineup who are of the same race, sex and approximate height, weight, age and physical appearance and who are similarly clothed.
2. The officer in charge of conducting the live lineup shall:
  - a. Ensure that each person viewing the lineup has read and sign the department's "Lineup & Photo Spread Procedure" form.
  - b. Ensure that the prisoner has been informed of his right to counsel if formal charges have been made against him, and also ensure that

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- he has the opportunity to retain counsel or request that one be provided;
- c. Obtain a written waiver if possible should the prisoner waive his right to counsel;
- d. Allow counsel representing the accused sufficient time to confer with his client prior to the lineup and observe the manner in which the lineup is conducted;
- e. Advise the accused that he may take any position in the lineup which he prefers and may change position in the lineup prior to summoning a new witness;
- f. Ensure that all persons in the lineup are numbered consecutively and are referred to only by number;
- g. Ensure that a complete written record of the lineup proceedings is made and retained, and videotape the lineup if possible;
- h. Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the lineup;
- i. Ensure that the suspect cannot see the witnesses;
- j. Ensure that not more than one witness views the lineup at a time and that they are not permitted to speak with one another during lineup proceedings; and
- k. Scrupulously avoid using statements, clues, casual comments or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.

**Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police .**

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.

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ANNEX A

CASE # \_\_\_\_\_

**DEKALB POLICE DEPARTMENT**

**LINEUP AND PHOTO SPREAD PROCEDURE**

I, \_\_\_\_\_, am about to view a lineup or photo spread as part of a criminal investigation. I understand that the suspect might not be in the lineup or photo spread and that I am not obligated to make an identification. I further understand that I should not assume that the person administering the lineup or photo spread knows which person is the suspect in the case.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature

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ANNEX B

**DEKALB POLICE DEPARTMENT  
REPORT ON PHOTOGRAPHIC LINEUP**

CASE # \_\_\_\_\_

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

LOCATION LINEUP HELD: \_\_\_\_\_

WITNESS/VICTIM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHOTOGRAPHIC LINEUP CONSISTED OF:

NAME	DOB	RACE	SEX
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

DID VICTIM/WITNESS IDENTIFY A PERSON FROM THIS LINEUP?

YES \_\_\_\_\_ NO \_\_\_\_\_

IF IDENTIFICATION WAS MADE, WHICH NUMBER? \_\_\_\_\_

(Have witness/victim initial and date photograph selected).

\_\_\_\_\_  
Investigator Conducting Lineup

\_\_\_\_\_  
Victim/Witness

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