



City of Manassas Police Department General Duty Manual



Effective Date: 07-10-2009	GENERAL ORDER	Number: 06-36
Subject: Photo and Show-up Presentations		
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Accreditation Standards: 42.2.11/ 42.2.12	By Authority Of:  Douglas W. Keen, Chief of Police	Total Pages: 4

PURPOSE:

To provide uniformed procedures in utilizing photo line ups and show-ups as an investigative tool for the department.

POLICY:

A **photo lineup** will be prepared in such a way that the suspect in the case does not unduly stand out from the other photographs or individuals in the lineup, in order to ensure reliable and accurate identifications. All personnel shall follow this policy when conducting photographic lineups. In a **show-up**, a single suspect or multiple suspects are viewed by a victim or witness immediately following the commission of a crime (generally within one hour) for the purpose of identifying or eliminating the suspect as the perpetrator. This procedure normally takes place during the preliminary investigation by the Patrol Division.

DISCUSSION:

The presentation of photo arrays to victims/witnesses can be crucial in helping to identify the perpetrators of a crime. As such, they must be conducted in an accurate, reliable, and objective manner to avoid mistaken identifications. To prevent unintentional verbal or physical cues which could inadvertently influence the viewing of photos by a victim/witness, the Department has adopted the following sequential presentation procedures.

PROCEDURE:

I. General Considerations.

- A. All photo presentations will be conducted in accord with these guidelines. This does not affect:
 1. The viewing of multiple mug shots in this Department's or another agency's records when the suspect is not known by police.
 2. The use of school yearbooks when attempting to identify a suspect.
 3. Video footage (Security cameras, etc.) or audio recordings when seeking the identity of the suspects that have been legally obtained.
 4. Variations from this policy will only be at the direction of the Commonwealth's Attorney's Office.
- B. Members will ensure that photo presentations are comprised and conducted in a manner which does not bring undue attention to the photograph of the suspect.
- C. Under extraordinary circumstances, it may be necessary to show the same victim/witness a subsequent photo presentation with the same suspect. Members must realize that doing so may cause the victim/witness to select the suspect based upon their memory of the earlier presentation rather than the offense.
- D. Photographs may not be utilized for any photo lineup(s) that are printed or electronically saved from an investigative database as stated in user(s) agreement.

II. Preparation of the Photos.

- A. The Detective or Officer assigned to the case shall be responsible for obtaining the photos used in the presentation. This can be accomplished by:
 1. Obtaining booking photos. (DSI Imaging)
 2. Requesting the photos through the Crime Analyst or other reliable source. This can include photos obtained through the above systems as well the others maintained by various public agencies and private organizations.

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- B. All photos in a single presentation will be either all color or all black and white.
- C. Only one suspect will be included in each photo presentation.
- D. Five (5) fillers (non-suspects) will be used along with the suspect.
- E. If the victim/witness is asked to view more than one presentation for cases involving multiple offenders, different fillers will be used for each.
- F. Fillers must generally match the appearance of the suspect, although complete uniformity of appearance is not required.
- G. If multiple images of the suspect are available, the one which most resembles the suspect at the time of the offense should be used.
- H. When the photos are selected, ensure each is reproduced without any identifying text.
 - 1. The photos originally selected for the presentation must be retained by the investigating member with the descriptive information about the subjects.
 - 2. The copies without identifying text will be used for the presentation.
 - 3. Since the copies will have no identifying text, each must be replicated in a manner which clearly resembles the photo with the subject's identifying information. This is to prevent mistaken descriptive information being identified with another photo.
- I. If it is necessary to cover or block-out any text or other features shown on a photo, similar markings must be placed on all so they appear alike.
- J. The reproduced photos will be of the same size and none must unduly stand-out from the others.

III. Procedure for the Presentation.

- A. An independent administrator (sworn) is preferable but not mandatory based on availability of sworn personnel to be responsible for showing the presentation to the victim/witness.
 - 1. The investigating Officer/Detective or the administrator will present the line up.
- B. The investigating member will have a folder which contains only:
 - 1. The six (6) copies of the photos, without any identifying text.
 - 2. A blank copy of the Photo Identification Report Form which is to be read by one of the following: administrator, detective, officer (or translator, if necessary) to the victim/witness prior to the viewing.

IV. Presentation of the Photos to the Victim/Witness.

- A. Whenever possible, the administrator or Officer/Detective will meet with the victim/witness alone. In those cases where another person must be present (parents of a young child, medical staff, etc.), they will be cautioned to avoid making any statements or otherwise unduly influencing the procedure. They should also be situated in a manner so they can not view the photos.
- B. Only one victim/witness will be allowed to view the presentation at a time.
- C. Prior to starting the presentation, the administrator or Detective/Officer will read the Photo Identification Advisory to the victim/witness. If necessary, this may be done by a translator.
 - 1. The victim/witness will be asked to sign and date the form acknowledging that the procedures are understood.
 - 2. In the event the victim/witness is not able to sign the form (young child, physically unable, etc.), the reason will be so noted by the administrator or Officer/Detective in the space reserved for the signature of the victim/witness.
 - 3. The form shall then be signed and dated by the administrator or Detective/Officer and the translator (if used).
- D. Throughout the presentation process, the administrator or the Detective/Officer will not make any comments that would unduly influence the decision of the victim/witness in making an identification.
- E. Once the Photo Identification Advisory has been completed, the viewing of the photos will begin.
 - 1. **Only one photo at a time will be provided to the victim/witness. This will allow the victim/witness to evaluate the photo based on their memory of the incident, rather than comparing it with the photos of the other subjects.**
 - 2. The victim/witness can take as much time as necessary to view the photo and will be responsible for indicating when ready to see the next image.

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3. Before presenting the next photo, the previous one will be returned to the folder behind those still waiting to be viewed.
4. All images will be shown, even if the victim/witness identifies the suspect in one of the previously presented photos.
5. At no time will more than one image be visible to the victim/witness.
6. In those cases where a victim/witness wishes to see any or all of the photos again, they will again be presented only one at a time.
7. If identification is made, the administrator or Detective/Officer will not make any statement as to the possible involvement of the subject in the offense.

V. Documentation of the Identification Process.

- A. If an identification is made, the administrator or Detective/Officer will have the victim/witness:
 1. Place their signature or initials on the back of the suspect's photo along with the date and time.
 2. Provide a verbal statement in their own words concerning their level of certainty about the identification.
 - a. The victim/witness will not be prompted to categorize the identification according to any scale (such as percentages, 1-10, etc.) although they may choose to do so of their own accord.
 - b. Their response will be documented in the supplement.
- B. Any other comments, hesitation in or reluctance to identify the subject, and reactions (emotional outburst, apparent fright, etc.) will also be documented.
- C. After the presentation process has been completed the investigating member will be responsible for informing the victim/witness of any further information regarding the case as it relates to their identification.
- D. The administrator or Detective/Officer will complete a supplemental report summarizing the photo presentation. The investigating member will be responsible for ensuring that all items used for the photo presentation are retained in accord with departmental evidentiary procedures.

VI. Show-ups

- A. In a show-up, a suspect or suspects are viewed by a victim or witness immediately following the commission of a crime (generally within one hour) for the purpose of identifying or eliminating the suspect as the perpetrator. This procedure normally takes place during the preliminary investigation by the Patrol Division.
- B. Prior to conducting a show-up, the officer should:
 1. Determine and document, prior to the show-up, a description of the perpetrator.
 2. Attempt to position the suspect(s) in a manner that does not appear that they are being detained or under arrest. If it is safe to do so remove handcuffs, position the suspect(s) away from police vehicles and try not to have the suspect(s) surrounded by police officers.
 3. Transport the witness to the location of the detained suspect to limit the legal impact of the suspect's detention. The person stopped is to be detained for only that reasonable amount of time necessary to complete the procedure.
 4. When multiple witnesses are involved, separate the witnesses and instruct them to avoid discussing the details of the incident with one another. Transport the witnesses in separate vehicles and have them each view the suspect(s). Officers should make every attempt to protect the witness from being directly seen by the suspect(s).
 5. Caution the witness that the person he/she is looking at may or may not be the perpetrator.
 6. Instruct the witness that a statement of certainty will be needed for both identifications and non-identifications.
- C. When conducting a show-up, the officer should:
 1. Document the time and location of the procedure.
 2. Not make any statements that would unduly influence the witness(es) or victim.
 3. Document the distance the person fitting the description is from the crime scene at the time he/she is stopped.

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4. Record both identification and non-identification results in writing, including the witness's own words regarding how certain he/she is.
5. In the event the witness does not identify the person detained, the officer detaining the potential suspect should record the identity of the person detained on a Field Interview Card or other appropriate report.

Attachments: "A" Photo Identification Report Form and Admonition – English
"B" Photo Identification Report Form and Admonition - Spanish

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Show-Ups