

WARWICK POLICE DEPARTMENT

"A Nationally Accredited Agency"

Colonel Stephen M. McCartney, Chief of Police

99 Veterans Memorial Drive

Warwick, Rhode Island 02886-4617

(401) 468-4200

GENERAL ORDER			
NUMBER	POLICY NAME	CALEA STANDARD	PAGES
340.10	LINE-UP AND SHOW-UP PROCEDURES	42.2.11; 42.2.12	8
SUBJECT AREA		REFERENCE	DISTRIBUTION
Law Enforcement Operations		NEW POLICY	ALL
DATES			
EFFECTIVE	ISSUING	REEVALUATION	PREVIOUSLY ISSUED
01/01/10	12/15/09	01/01/12	N/A

I. PURPOSE

To establish guidelines for conducting photographic and physical lineups, as well as field identifications or show-ups, when appropriate, during criminal investigations.

II. POLICY

The Warwick Police Department recognizes that one of its primary responsibilities is to conduct investigations of crimes within its jurisdiction. Criminal incidents requiring preliminary or follow-up investigation may occur in widely scattered locations, at any time. Occasionally, criminal incidents require witness identification of suspects. Consequently, the department is establishing this policy to ensure that investigations requiring the use of lineups and/or show-ups are conducted in a manner that promotes the success of those investigations and ensures reliable witness identifications and testimony.

III. DEFINITIONS

- A. PRELIMINARY INVESTIGATION** – The activity that begins when officers arrive at the scene of an incident. The activity should continue until such time as a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation.
- B. FOLLOW-UP INVESTIGATION** – An extension of the preliminary investigation. The purpose is to provide additional investigation to close a case, arrest an offender, and/or recover stolen property.

- C. **FILLERS** – Individuals or photographs of individuals who resemble the suspect used to fill in a lineup. A minimum of five (5) fillers shall be used in all photographic and physical lineups. Suspects in any case may not be used as fillers in subsequent lineups in the same case.
- D. **PHOTOGRAPHIC LINEUP** – An array of photographs which includes a suspect and at least five (5) additional individuals who are similar in appearance. Photographic lineups may be presented either sequentially or simultaneously at the discretion of the investigating officer.
- E. **PHYSICAL LINEUP** – A display of individuals which includes a suspect and at least five (5) additional individuals who are similar in appearance, height, weight and body build. Physical lineups may be presented sequentially or simultaneously at the discretion of the investigating officer.
- F. **SHOW-UP** – A display of a single individual suspect in the field contemporaneous to, and at or near, the scene of a crime for identification as the perpetrator or elimination as a suspect.

IV. PHOTOGRAPHIC LINEUPS

- A. When constructing and conducting photographic lineups, sworn department personnel shall adhere to the following procedures:
 - 1. Construct photographic lineups with a high degree of fairness and integrity to ensure they are non-suggestive and reliable.
 - a. Photographs of only one suspect, based upon the description by the victim and/or witness, shall appear in each individual lineup;
 - 1) Photographs of suspects and fillers shall be similar in appearance, taking into consideration any unique or unusual features such as scars, marks or tattoos;
 - 2) Photographs of suspects and fillers shall not display any writing or information concerning previous arrests; and,
 - 3) Complete uniformity of features is not required. Sworn personnel may avoid using fillers, who so closely resemble the suspect that a witness might find it difficult to distinguish the suspect from the fillers.
 - 2. Conduct photographic lineups with the same degree of fairness and integrity to ensure they are non-suggestive and reliable.

- a. Instruct witnesses using standardized instructions printed on the *Photographic Lineup Instructions* form attached to this General Order.
 - b. Instruct witnesses to place the time and date, as well as their initials next to the photo of the individual that they have identified.
 - c. Sworn department personnel shall not provide witnesses with any feedback regarding any identification or lack thereof, nor shall they comment on the outcome of the process in any way.
 - d. Sworn department personnel are prohibited from showing photographic lineups to more than one witness at a time.
 - e. When feasible, sworn department personnel may consider using a “double-blind” presentation of a photographic line-up, where the line-up is presented to the victim/witness by an officer or detective who has no direct involvement with the case being investigated
3. In the case of multiple witnesses, sworn department personnel shall rearrange the photographs for viewing by each individual witness.
 4. In the case of multiple suspects in the same incident, sworn department personnel shall not use the same fillers in photographic lineups of different suspects.
 5. Photographic Line-ups will be documented in a case report. At a minimum, reports will include:
 - a. The officer or detective who constructed the photographic line-up;
 - b. The officer or detective who presented the line-up;
 - c. Each victim or witness identification, or lack thereof; and
 - d. The level of certainty demonstrated by the victim/ witness.
 - e. Copies of all photographic line-ups presented must be turned into the Records Division for inclusion in the case report.

V. PHYSICAL LINEUPS

- A. When constructing and conducting physical lineups, sworn department personnel shall adhere to the following procedures:

1. Construct physical lineups with a high degree of fairness and integrity to ensure they are non-suggestive and reliable.
 - a. Only one suspect shall appear in each individual lineup;
 - b. Suspects and fillers shall be similar in appearance and manner of dress, taking into consideration any unique or unusual features such as scars, marks, or tattoos, and;
 - c. Complete uniformity of features is not required. Sworn personnel may avoid using fillers, who so closely resemble the suspect that a witness might find it difficult to distinguish the suspect from the fillers.
2. Conduct physical lineups with the same degree of fairness and integrity to ensure they are non-suggestive and reliable.
 - a. Instruct witnesses using standardized instructions printed on the *Physical Lineup Instructions* form attached to this General Order.
 - b. Instruct witnesses not to discuss the lineup or its results with other witnesses.
 - c. Sworn department personnel shall not provide witnesses with any feedback regarding any identification or lack thereof, nor shall they comment on the outcome of the process in any way.
 - d. In the event a witness requests to see a specific individual a second time, sworn personnel shall present the entire lineup in the same order for reviewing.
 - e. Sworn department personnel are prohibited from showing physical lineups to more than one witness at a time.
3. In the case of multiple witnesses, sworn department personnel shall rearrange the order of individuals in each lineup for viewing by each individual witness.
4. In the case of multiple suspects in the same incident, sworn department personnel shall not use the same fillers in physical lineups of different suspects.
5. Sworn department personnel may videotape physical lineups. Minimally, sworn personnel shall take a photograph of each physical lineup before its presentation to document participants' appearance and order of presentation.

6. Physical Line-ups will be documented in a case report. At a minimum, reports will include:
 - a. The officer or detective who prepared the physical line-up;
 - b. The officer or detective who presented the line-up;
 - c. Each victim's or witness' identification, or lack thereof; and,
 - d. The level of certainty demonstrated by the victim/ witness.

VI. FIELD SHOW-UPS

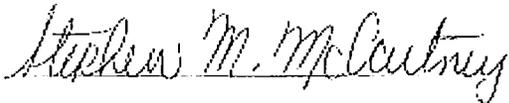
- A. Sworn department personnel may conduct field show-ups contemporaneous to and, at or near the scene of a recent crime, subject to the following conditions:
 1. When probable cause to arrest does not exist, sworn department personnel may conduct a show-up of an individual being detained who closely resembles an eyewitness's description for the following reasons:
 - a. To identify a potential suspect, or,
 - b. To immediately clear an innocent person from suspicion.
 2. Sworn department personnel shall detain suspects where they were located in the least restrictive manner possible that will ensure the presence of the suspect and the safety of the officer.
 - a. Sworn personnel should not display suspects detained in a patrol car; and,
 - b. Sworn personnel should not display handcuffed suspects unless the handcuffs can be concealed.
 3. Sworn department personnel shall instruct witnesses, prior to transport, that a suspect, who may or may not be the perpetrator, is being detained. They shall not be compelled to identify this subject as the perpetrator solely based on the detention.
 4. Sworn department personnel shall, whenever feasible, transport witnesses to the place where a suspect is being detained for the purpose of a show-up, not vice-versa.

5. Sworn department personnel shall not confirm or corroborate identification with the witness, but discretely advise officers detaining the suspect of the identification.
6. In the case of multiple witnesses, sworn department personnel shall conduct separate show-ups for each witness.
7. Sworn department personnel shall document each witnesses' identification or lack thereof in the narrative portion of their case report.

VII. ATTACHMENTS

Photographic Lineup Instructions Form

Physical Lineup Instructions Form



Stephen M. McCartney
Colonel
Chief of Police

SMM:sbw

Attachments

WARWICK POLICE DEPARTMENT

Photographic Line-Up Instructions

Case Report # _____

In a moment, I am going to show you a group of photographs, which may or may not contain a photograph of the person who you are being asked to identify or who committed the crime now being investigated. The fact that the photographs are being shown to you should not cause you to believe or guess that the guilty person has been caught. You do not have to identify anyone. It is just as important to free the innocent persons from suspicion, as it is to identify those who are guilty.

Please keep in mind that hairstyles, beards, and moustaches are easily changed. Also, photographs do not always depict the true complexion of a person, which may be lighter or darker than shown in the photograph. Also, pay no attention to whether the photographs are in color or black and white, or any other difference in type or style of the photograph. You should study only the person shown in each photograph.

Please do not talk to anyone other than police officers while viewing the photographs. You must make up your own mind and not be influenced by other witnesses, if any. When you have completed viewing all the photographs, please tell me whether you are able to make an identification. If you can, tell me in your own words how sure you are of your identification. Please do not indicate in any way to other witnesses that you have or have not made an identification. Thank you.

I, _____, acknowledge that the above photographic lineup
(Victim/witness printed name)

instructions have been read to me by _____, and I
(Officer's printed name)

fully understand those instructions.

Victim/Witness: _____
(Signature) (Date)

Officer: _____
(Signature) Badge # (Date)

WARWICK POLICE DEPARTMENT
Physical Line-Up Instructions

Case Report # _____

In a moment, I am going to show you a group of individuals, which may or may not contain the person who you are being asked to identify or who committed the crime now being investigated. The fact that these people are being shown to you should not cause you to believe or guess that the guilty person has been caught. You do not have to identify anyone. It is just as important to free the innocent persons from suspicion, as it is to identify those who are guilty.

Please keep in mind that hairstyles, beards, and moustaches are easily changed.

Please do not talk to anyone, other than police officers, while viewing the lineup. You must make up your own mind and not be influenced by other witnesses, if any. When you have completed viewing all of the individuals, please tell me whether you are able to make an identification. If you can, tell me in your own words how sure you are of your identification. Please do not indicate in any way to other witnesses that you have, or have not made an identification. Thank you.

I, _____, acknowledge that the above physical lineup
(Victim/Witness printed name)

instructions have been read to me by _____, and I
(Officer's printed name)

fully understand those instructions.

Victim/Witness: _____
(Signature) (Date)

Officer: _____
(Signature) Badge # (Date)