



# Alexandria Police Department



## Directive 10.39

# EYEWITNESS IDENTIFICATION PROCEDURES

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### 10.39.01 POLICY/ PURPOSE

It is the policy of the Department that an equitable system of conducting photo and live lineups is established and maintained in order to prevent inaccurate identification of suspects during a criminal investigation.



The purpose of this directive is to provide policy and procedures for eyewitness identification of suspects and to establish guidelines and procedures for the preparation and presentation of sequential lineups.

Eyewitness identification evidence is often crucial in identifying offenders and exonerating the innocent. The following procedures adopt recommendations issued by the United States Department of Justice in its *Eyewitness Evidence Guidelines*. An

identification obtained through a photo or live lineup composed in this manner should minimize the risk of misidentification and have stronger evidentiary value than one obtained without these procedures.

In order to ensure that inadvertent verbal cues or body language do not impact on a witness, where the primary investigating officer conducts the photo or live lineup identification procedure, he or she should be careful to avoid inadvertent signaling to the witness in response to their selection. In all cases in which a photo or live lineup is to be conducted for multiple witnesses, witnesses should be kept separated before, during and after the procedure.

**10.39.02 INTERVIEWING THE WITNESS**

[REDACTED]

**10.39.03 COMPOSING THE LINEUP**

In composing a photo or live lineup, the person administering the identification procedure should ensure that the lineup is comprised in such a manner that the suspect does not unduly stand out.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
6. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness.
  7. Review the array, once completed, to ensure that the suspect does not unduly stand out.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**10.39.04 PRESENTING THE LINEUP**

The identification procedure should be conducted in a manner that promotes the accuracy, reliability, fairness and objectivity of the witness' identification. These steps are designed to ensure the accuracy of identification or non-identification decisions. When presenting the Lineup, the person administering the lineup should:

1. Instruct the witness prior to the lineup that the offender might or might not be among those in the photos presented or in the live lineup, and therefore, they should not feel compelled to make an identification.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. Saying anything to the witness that may influence the witness' selection is prohibited.
8. If an identification is made, reporting to the witness any information regarding the individual he or she has selected is prohibited

[REDACTED]

[REDACTED]

**10.39.05 RECORDING IDENTIFICATION RESULTS**

When conducting an identification procedure, the person administering the lineup shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness in a supplemental report. A complete and accurate record of the outcome of the identification procedure is crucial. This record can be a critical document in the investigation and any subsequent court proceedings. When documenting the identification procedure, the person administering the lineup should:

1. Record both identification and non-identification results on the lineup sheet using the witness' own words regarding how certain he/she is about the identification. The level of confidence of the witness' in terms of the witness' statement, conduct or other relevant observations should also be assessed and documented.
2. Ensure that the results are signed and dated by the witness and person administering the lineup.
3. Ensure that no materials indicating previous identification results are visible to the witness.
4. Ensure that the witness does not write on or mark any materials that will be used in other identification procedures.
5. Document the length of time between the offense and subsequent identification.

**10.39.06 CONDUCTING SHOW-UPS**

**[42.2.12]**

**Show-up** – The procedure conducted when a suspect is stopped a distance from the crime scene and a witness is transported to that location to view the person in an effort to establish probable cause for an arrest. The show-up is an essential procedure to develop what is initially an investigative stop into probable cause when the person who is stopped reasonably matches the description provided by the witness (es) and is close in proximity in time and distance to the occurrence of the offense and the offense location.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1. *Prior to conducting the show-up, notify an on-duty supervisor.*
2. Determine and document, prior to the show-up, a description of the offender.

[REDACTED]

4. *Read the following approved language provided by the Commonwealth's Attorney to the witness:*

*"I want you to look at somebody we have stopped. The fact that we have stopped this person does not mean that he or she committed the crime. You are not required to identify anyone. It is just as important to free an innocent person as to identify a guilty person. Sometimes people who commit crimes will try to disguise their appearance by changing clothes or wearing hats, glasses, or wigs. Take as much time as you need to look at this person before you say anything."*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. Record all identifications and non-identifications in a supplemental report

[REDACTED]

[REDACTED]

10. Saying anything to the witness that may influence the witness' selection is prohibited.
11. If identification is made, reporting to the witness any information regarding the individual he or she has selected is prohibited.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**10.39.07 SUPERVISOR RESPONSIBILITIES**

**[42.2.12]**

- 1) *Once a supervisor is notified that a show up is going to be conducted he/she will respond to the scene to assist, unless articulable operational priorities exist.*
- 2) *Ensure that the officers are following all of the listed steps above when they are conducting a show up.*
- 3) *Ensure accurate and complete documentation is completed in officers APD-7 and supplemental reports.*

**By Authority Of:**

**Earl L. Cook  
Chief of Police**