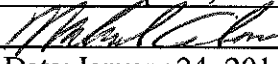


Old Saybrook Department of Police Services



General Order - 8.19



Witness Identification of a Suspect	Issued By: Michael A. Spera, Chief of Police
Classification: Unclassified	Signed: 
POSTC: 1.1.8b	Effective Date: January 24, 2014
CALEA:	

Policy

It is the Policy of the Old Saybrook Department of Police Services to use eyewitness identifications, including Photo Lineups, Live Lineups, One-on-One Showup Identifications and Field Views, in a manner consistent with Constitutional Standards and to comply with Connecticut General Statutes.

Definitions

Eyewitness: A person who observes another person at or near the scene of an offense.

Photo Lineup: A procedure in which an array of photographs, including a photograph of the person suspected as the perpetrator of an offense and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness is able to identify the suspect as the perpetrator.

One-on-One Showup Identification: A procedure in which a single person suspected as a perpetrator of an offense, and maybe others, are presented, one at a time, to an eyewitness for the purpose of determining whether the eyewitness is able to identify the suspect as the perpetrator. Also known as a Field Identification. Showups typically occur shortly after the commission of a crime and/or when a suspect is apprehended at or near the crime scene.

Live Lineup: A procedure in which a group of persons, including the person suspected as the perpetrator of an offense and other persons not suspected of the of the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness is able to identify the suspect as the perpetrator.

Field View: A procedure wherein the eyewitness views a group of people in a public place on the theory that the suspect may be among the group. A field view differs from a showup in that it may be conducted well after the commission of the crime and may be conducted with or without a suspect in the group.

Filler: A person or photograph of a person who is not suspected of an offense and is included in an identification procedure.

Sequential Lineup: Photographs included in a photo lineup or the persons participating in a live lineup shall be presented sequentially so that the eyewitness views one photograph or one person at a time.

Double-Blind Procedure: The identification procedure shall be conducted by an officer who is unaware of which person in the lineup is the suspected perpetrator of the offense.

Blind Administration: Procedure in which the administrator of the lineup is unaware of which photograph the witness is viewing during the procedure. This procedure is intended to ensure that the eyewitness does not interpret a gesture or facial expression by the officer as an indication as to the identity of the suspect.

Folder Shuffle Method: When the conduct of a Double Blind Procedure is not practicable, the photo lineup shall be conducted by inserting each of the required photographs into separate, unmarked folders, shuffling them and allowing the eyewitness to remove the photographs, one at a time to view them.

Lap: A single completed cycle to view all the photos in a photo lineup or all persons participating in a live lineup.

Confidence Statement: A statement from the victim/witness, in his or her own words, on how certain they are of the identification which is taken immediately after identification is made.

Procedure

A. Photo Lineup

1. Photo Lineup Preparation

- a. The photo lineup shall contain at least eight individual photographs, one of which is the person suspected as the perpetrator.
- b. The individual photographs should be numbered in the same location on each, with the same colored ink and style.
- c. The photograph of the person suspected as the perpetrator should resemble his/her appearance at the time of the offense and not unduly stand out.
- d. The fillers should generally fit the physical description of the person suspected as the perpetrator.
- e. The person suspected as the perpetrator shall be the only suspected perpetrator included in the identification procedure.
- f. No writings, identifying information, dates or previous arrest information of the person suspected as the perpetrator shall be visible to the eyewitness.
- g. If the eyewitness has previously viewed a photo or live lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup, in which the person suspected as the perpetrator participates, or in which photograph of the person suspected as the perpetrator is included, shall be different from fillers used in any prior lineups.

2. Administering the Photo Lineup
 - a. When practicable the lineup shall be administered using the Double-Blind method, except that, if it is not practicable to conduct Double-Blind method, the photo lineup shall be conducted by use of the Folder Shuffle Method.
 - b. Multiple eyewitnesses shall never view a photo lineup together or communicate during identification procedures.
 - c. Nothing shall be said or indicated to the eyewitness regarding the position of the suspected person in the photo lineup to influence the eyewitness's selection of the person suspected as the perpetrator.
 - d. The assigned investigator or anyone with knowledge of the suspect shall not be present at the time of the lineup administration.
 - e. The eyewitness being shown the photo lineup shall read and have read to them the Department eyewitness instructions for a photo lineup, each instruction given is equally important. The instructions shall contain the following language:
 - (i) "You will be shown a set of photographs, each presented one at a time that may or may not include the perpetrator."
 - (ii) "The photographs are in random order, not known by the officer presenting the photographs."
 - (iii) "You may take as much time with each photograph as needed."
 - (iv) "The persons in the lineup may not look exactly as they did on the date of the crime."
 - (v) "You are not obligated, and should not feel compelled, to make an identification."
 - (vi) "All photographs will be shown to you, even if identification is made."
 - (vii) "The fact that these photographs are being shown to you should not influence your judgment in selection, if any."
 - (viii) "You should not automatically conclude that the series of photographs contains the photograph of the person who committed the crime being investigated."
 - (ix) "It is just as important to free innocent persons from suspicion as it is to identify guilty parties."
 - (x) "The investigation will continue whether you make identification or not."
 - (xi) "Do you understand these instructions?"
 - f. The eyewitness shall be shown the photographs in sequential order, viewing only one photograph at a time. The photographs shall not be placed in such a way as to make a side by side comparison.
 - g. The administrator shall not offer nor suggest that the eyewitness engage in additional "laps", or viewing of the photographs. If the eyewitness should request a second lap of the photographs, only one additional lap is permitted, and shall be presented in the same sequential order. The eyewitness shall not be allowed to view a single photograph out of order. The number of laps shall be noted on the photo lineup identification sheet and in any written report.
 - h. The eyewitness shall not be provided any information concerning such person prior to obtaining the eyewitness confidence statement that he or she is certain of the selection.
 - i. The eyewitness making identification shall sign or mark the photograph he/she has identified.

3. A written record of the identification procedure shall be made and include:
 - a. The eyewitness, upon making a positive identification, shall be requested to provide a written sworn statement to include all the details of the identification and the confidence statement in the eyewitness's own words regarding how certain he/she is of the selection.
 - b. An incident report shall be written by the Officer conducting the procedure. The report shall include a minimum of the following:
 - (i) All identification and/or non-identification results obtained during the identification procedure, eyewitness signatures on all forms, including the confidence statement in the eyewitness's own words regarding how certain he/she is of the selection.
 - (ii) The place, time and names of all persons present at the identification procedure.
 - (iii) All photographs used in the line-up, identification information on all persons whose photograph was included in the line-up and the source of each photograph.
 - (iv) The original photographs and Photo Lineup Identification form used for the line-up shall be secured into evidence and one complete copy will remain with the case file.

B. Live Lineup

1. Live Lineup Preparation

- a. A suspect cannot be compelled to participate in a lineup without probable cause to arrest and shall be advised of his/her right to have an attorney present at the live lineup. The waiver shall be in writing.
- b. The live lineup shall contain at least eight individuals, one of which is the person suspected as the perpetrator.
- c. The fillers should generally fit the physical description of the person suspected as the perpetrator.
- d. The person suspected as the perpetrator shall be the only suspected perpetrator included in the identification procedure.
- e. All persons in the live lineup shall carry cards that identify him/her by number and the individuals shall only be referred to as this respective number.
- f. If the eyewitness has previously viewed a photo or live lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup, in which the person suspected as the perpetrator participates, or in which photograph of the person suspected as the perpetrator is included, shall be different from fillers used in any prior lineups.

2. Administering the Live Lineup

- a. When practicable the lineup shall be administered using the Double-Blind method.
- b. Multiple eyewitnesses shall never view a live lineup together or communicate during identification procedures.
- c. Nothing shall be said or indicated to the eyewitness regarding the position of the suspected person in the live lineup to influence the eyewitness's selection of the person suspected as the perpetrator.

- d. The assigned investigator or anyone with knowledge of the suspect shall not be present at the time of the lineup administration.
 - e. The individuals shall be presented sequentially so the eyewitness only views one person at a time.
 - f. The eyewitness being shown the live lineup shall read and have read to them the Department eyewitness instructions for a live lineup, each instruction given is equally important. The instructions shall contain the following language:
 - (i) "You will be shown a set of persons, each presented one at a time, that may or may not include the perpetrator."
 - (ii) "The persons are in random order, not known by the officer presenting the persons."
 - (iii) "You may take as much time with each person as needed."
 - (iv) "The persons in the lineup may not look exactly as they did on the date of the crime."
 - (v) "You are not obligated, and should not feel compelled, to make an identification."
 - (vi) "All persons will be shown to you, even if identification is made."
 - (vii) "The fact that these persons are being shown to you should not influence your judgment in selection, if any."
 - (viii) "You should not automatically conclude that the series of persons contains the person who committed the crime being investigated."
 - (ix) "It is just as important to free innocent persons from suspicion as it is to identify guilty parties."
 - (x) "The investigation will continue whether you make identification or not."
 - (xi) "Do you understand these instructions?"
 - g. All lineup participants shall be out of view of the eyewitness at the beginning of the identification procedure.
 - h. The administrator shall not offer nor suggest that the eyewitness engage in additional "laps", or viewing of the participants. If the eyewitness should request a second lap, only one additional lap is permitted, and shall be presented in the same sequential order. The eyewitness shall not be allowed to view a single participant out of order.
 - i. Any identification actions, such as speaking or making gestures or other movements, shall be performed by all lineup participants.
 - j. The eyewitness shall not be provided any information concerning such person prior to obtaining the eyewitness statement that he or she is certain of the selection.
3. A written record of the identification procedure shall be made and include:
- a. The eyewitness, upon making a positive identification, shall be requested to provide a written sworn statement to include all the details of the identification and the confidence statement in the eyewitness's own words regarding how certain he/she is of the selection.
 - b. An incident report shall be written by the Officer conducting the procedure. The report shall include a minimum of the following:
 - (i) All identification and/or non-identification results obtained during the identification procedure, eyewitness signatures on all forms, including the eyewitness's own words regarding how certain he/she is of the selection.
 - (ii) The place, time and names of all persons present at the identification procedure.

(iii) Identification information on all persons who participated in the live line-up.

C. One-On-One Showup

1. One-On-One Showup Preparation

- a. A one-on-one showup viewing can be inherently and significantly suggestive. However, one-on-ones under some circumstances tend to insure accuracy and allow the quick release of an innocent suspect or rapid identification of additional witnesses or physical evidence.
- b. Every one-on-one showup shall be as fair and non-suggestive as possible.
- c. Factors to be considered in deciding to perform a one-on-one are:
 - (i) Whether the suspect is in custody.
 - (ii) The availability of the eyewitness.
 - (iii) Practical, alternative methods of identification.
 - (iv) The need for Police to quickly identify additional witnesses or collect physical evidence.
 - (v) To quickly decide whether the investigation is on track.
- d. A suspect does not have a constitutional right to counsel at a one-on-one showup.
- e. The detention of a suspect fitting the description of a perpetrator is lawful with reasonable suspicion that that suspect has committed a crime.
- f. Multiple eyewitnesses should never view suspects together or communicate during the identification procedures.

2. Administering the Showup

- a. The eyewitness should be brought to the location of the suspected perpetrator for the one-on-one showup, unless circumstances exist that would not reasonably permit the eyewitness to go to the location of the suspect.
- b. If a suspected perpetrator must be transported to be viewed by an eyewitness the following shall be met:
 - (i) Approval for such transport shall be obtained from the on-duty shift supervisor.
 - (ii) Clear and complete articulation of the circumstances requiring the suspected perpetrator to be transported to the eyewitness must be conveyed to the on-duty shift supervisor and contained in the incident or arrest report.
- c. The eyewitness shall read and have read to them the Department One-on-One Eyewitness Showup instructions sheet, each instruction given is equally important. The instructions shall contain the following language:
 - (i) "You will be shown an individual that may or may not be the perpetrator."
 - (ii) "You should not automatically conclude that the person you are viewing is the person who committed the crime being investigated."
 - (iii) "You are not obligated, and should not feel compelled, to make an identification."
 - (iv) "It is just as important to free innocent persons from suspicion as it is to identify guilty parties."
 - (v) "You will have as much time as needed to make a decision."
 - (vi) "The investigation will continue whether you make identification or not."
 - (vii) "Do you understand the instructions?"

- d. Officers shall avoid words, gestures or expression which could influence the eyewitness selection.
 - e. If an eyewitness fails to make a positive identification and there is not probable cause to arrest, the suspect shall be permitted to leave.
3. A written record of the identification procedure shall be made and include:
- a. The eyewitness, upon making a positive identification, shall be requested to provide a written sworn statement to include all the details of the identification and the confidence statement in the eyewitness's own words regarding how certain he/she is of the selection.
 - b. An incident report shall be written by the Officer conducting the procedure. The report shall include a minimum of the following:
 - (i) All identification and/or non-identification results obtained during the identification procedure, eyewitness signatures on all forms, including the eyewitness's own words regarding how certain he/she is of the selection.
 - (ii) The place, time and names of all persons present at the identification procedure.

D. Field View

1. Field View Procedure

- a. A field view is conducted in a public place.
- b. The suspect in a field view is not detained and may or may not be present.
- c. The eyewitness shall be notified that the suspect may or may not be present.
- d. The officer or investigator may not direct the eyewitness to any particular person, make any suggestions to the eyewitness or otherwise attempt to influence the witness's ability to observe.
- e. The eyewitness is accompanied to the public location and permitted to view people in an effort to locate or identify a suspect.
- f. The eyewitness shall read and have read to them the Department Field View Identification instructions sheet, each instruction given is equally important. The instructions shall contain the following language:
 - (i) "You will be escorted to a public place by a law enforcement officer."
 - (ii) "You should not automatically conclude that the person who committed the crime being investigated is present."
 - (iii) "The law enforcement officer may not direct you to any particular person, make any suggestions or otherwise attempt to influence your ability to observe."
 - (iv) "You are not obligated, and should not feel compelled, to make an identification."
 - (v) "It is just as important to free innocent persons from suspicion as it is to identify guilty parties."
 - (vi) "You will have as much time as needed to make a decision."
 - (vii) "The investigation will continue whether you make identification or not."
 - (viii) "Do you understand these instructions?"

2. A written record of the identification procedure shall be made and include:
 - a. The eyewitness, upon making a positive identification, shall be requested to provide a written sworn statement to include all the details of the identification and the confidence statement in the eyewitness's own words regarding how certain he/she is of the selection.
 - b. An incident report shall be written by the Officer conducting the procedure. The report shall include a minimum of the following:
 - (i) All identification and/or non-identification results obtained during the identification procedure including the eyewitness's own words regarding how certain he/she is of the identification.
 - (ii) The place, time and names of persons present at the identification procedure.

Revision History

January 24, 2014

Replaces S.O. 12-006 issued on August 22, 2012



Michael A. Spera
Chief of Police

TOWN OF OLD SAYBROOK DEPARTMENT OF POLICE SERVICES

6 Custom Drive • Old Saybrook, Connecticut 06475

One-on-One Showup Identification

Case Number: _____ Administering Officer: _____

Name of Eyewitness: _____ DOB: _____

Date of Viewing: _____ Time: _____ Location: _____

Date of Crime: _____ Type of Crime: _____

Persons Present: _____

Read to, and have the eyewitness read the following, each instruction is equally important:

- You will be shown an individual that may or may not be the perpetrator.
- You should not automatically conclude that the person you are viewing is the person who committed the crime that is being investigated.
- You are not obligated, and should not feel compelled, to make an identification.
- It is just as important to free innocent persons from suspicion as it is to identify guilty parties.
- You will have as much time as needed to make a decision.
- The investigation will continue whether you make identification or not.
- Do you understand these instructions? Yes/No _____

Person Selected, if any: Yes/No: Description: _____

Comments & Certainty: _____

The officer cannot discuss your selection. Please DO NOT discuss this viewing with any other witness or indicate in any way that you have or have not made an identification. We respectfully request that you do not discuss any aspect of this investigation with the media.

Eyewitness Signature: _____

Notarized, Subscribed, and Sworn to before me on This _____ Day of _____, 20 _____

Notary

Revised: 01/21/2013



Michael A. Spera
Chief of Police

TOWN OF OLD SAYBROOK DEPARTMENT OF POLICE SERVICES

6 Custom Drive • Old Saybrook, Connecticut 06475

Photo Lineup Identification

Case Number: _____ Administering Officer: _____

Name of Eyewitness: _____ DOB: _____

Date of Viewing: _____ Time: _____ Location: _____

Date of Crime: _____ Type of Crime: _____

Persons Present: _____

Read to, and have the eyewitness read the following, each instruction is equally important:

- You will be shown a set of photographs, each presented one at a time, that may or may not include the perpetrator.
- The photographs are in random order, not known by the officer presenting the photographs.
- You may take as much time with each photograph as needed.
- The persons in the lineup may not look exactly as they did on the date of the crime.
- You are not obligated, and should not feel compelled, to make an identification.
- All photographs will be shown to you, even if identification is made.
- The fact that these photographs are being shown to you should not influence your judgment in selection, if any.
- You should not automatically conclude that the series of photographs contains the photograph of the person who committed the crime that is being investigated.
- It is just as important to free innocent persons from suspicion as it is to identify guilty parties.
- The investigation will continue whether you make identification or not.
- Do you understand these instructions? Yes/No _____

Photograph Selected, if any: Yes/No _____ Laps: _____

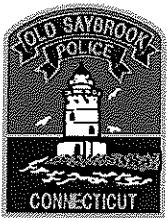
Comments & Certainty: _____

The officer cannot discuss your selection. Please DO NOT discuss this viewing with any other witness or indicate in any way that you have or have not made an identification. We respectfully request that you do not discuss any aspect of this investigation with the media.

Eyewitness Signature: _____

Notarized, Subscribed, and Sworn to before me on This _____ Day of _____, 20 _____

Notary



Michael A. Spera
Chief of Police

TOWN OF OLD SAYBROOK DEPARTMENT OF POLICE SERVICES

6 Custom Drive • Old Saybrook, Connecticut 06475

Field View Identification

Case Number: _____ Administering Officer: _____

Name of Eyewitness: _____ DOB: _____

Date of Viewing: _____ Time: _____ Location: _____

Date of Crime: _____ Type of Crime: _____

Persons Present: _____

Read to, and have the eyewitness read the following, each instruction is equally important:

- You will be escorted to a public place by a law enforcement officer.
- You should not automatically conclude that the person who committed the crime being investigated is present.
- The law enforcement officer may not direct you to any particular person, make any suggestions or otherwise attempt to influence your ability to observe.
- You are not obligated, and should not feel compelled, to make an identification.
- It is just as important to free innocent persons from suspicion as it is to identify guilty parties.
- You will have as much time as needed to make a decision.
- The investigation will continue whether you make identification or not.
- Do you understand these instructions? Yes/No _____

Person Selected, if any: Yes/No: Description: _____

Comments & Certainty: _____

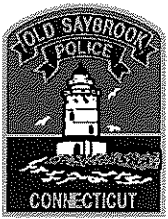
The officer cannot discuss your selection. Please DO NOT discuss this viewing with any other witness or indicate in any way that you have or have not made an identification. We respectfully request that you do not discuss any aspect of this investigation with the media.

Eyewitness Signature:

Notarized, Subscribed, and Sworn to before me on This _____ Day of _____, 20__

Notary

Revised: 01/21/2013



Michael A. Spera
Chief of Police

TOWN OF OLD SAYBROOK DEPARTMENT OF POLICE SERVICES

6 Custom Drive • Old Saybrook, Connecticut 06475

Live Lineup Identification

Case Number: _____ Administering Officer: _____

Name of Eyewitness: _____ DOB: _____

Date of Viewing: _____ Time: _____ Location: _____

Date of Crime: _____ Type of Crime: _____

Persons Present: _____

Read to, and have the eyewitness read the following, each instruction is equally important:

- You will be shown a set of persons, each presented one at a time, which may or may not include the perpetrator.
- The persons are in random order, not known by the officer presenting the persons.
- You may take as much time with each person as needed.
- The persons in the lineup may not look exactly as they did on the date of the crime.
- You are not obligated, and should not feel compelled, to make an identification.
- All persons will be shown to you, even if identification is made.
- The fact that these persons are being shown to you should not influence your judgment in selection, if any.
- You should not automatically conclude that the series of persons contains the person who committed the crime that is being investigated.
- It is just as important to free innocent persons from suspicion as it is to identify guilty parties.
- The investigation will continue whether you make identification or not.
- Do you understand these instructions? Yes/No _____

Person Selected, if any: Yes/No _____ Laps: _____

Comments & Certainty: _____

The officer cannot discuss your selection. Please DO NOT discuss this viewing with any other witness or indicate in any way that you have or have not made an identification. We respectfully request that you do not discuss any aspect of this investigation with the media.

Eyewitness Signature: _____

Notarized, Subscribed, and Sworn to before me on This _____ Day of _____, 20 _____

Notary