



Date: July 27, 2020
To: Sworn Personnel
From: Det. J. Gibson
Subject: Training Bulletin # 20-01

SBPD Photo Line-Up Quick Reference
SBPD Policy 604.7 - PHOTOGRAPHIC LINEUP AND LIVE LINEUP
CONSIDERATIONS

I. PURPOSE:

The purpose of this policy is to establish guidelines for eyewitness identification procedures using photographic lineups, live lineups and show-ups.

II. POLICY:

The Seal Beach Police Department eyewitness identification procedures reflect best practices in evidence gathering. Law enforcement officials shall adhere to these guidelines to improve the accuracy of eyewitness identifications, and to increase the ability of police and prosecutors to convict the guilty and protect the innocent.

III. DEFINITIONS:

Photo lineup - Showing photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Show-up - The presentation of a live person in the field shortly after a crime is committed, to confirm or eliminate him or her as a suspect. Sometimes referred to as a field identification.

Blind Presentation - Both the law enforcement official administering the identification procedure and the witness do not know the suspect's identity.

Blinded Presentation - The administrator may know who the suspect is, but does not know which lineup member is being viewed by the eyewitness.

Filler - A person or photograph of a person, that is included in a line-up or photo array, but who is not a suspect.

Simultaneous Lineup - Persons or photographs are presented at the same time.

Sequential Lineup - Persons or photographs are presented one at a time, and the law enforcement official retrieves one before presenting another.

Folder shuffle – a method for conducting a photo lineup by placing photographs in folders, randomly numbering the folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.

Confidence Statement - A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

IV. PHOTOGRAPHIC LINEUP PROCEDURES AND CONSIDERATIONS:

The steps below outline the procedures that shall be followed when administering eyewitness identifications. Law enforcement officials shall avoid any suggestive language or behavior regarding the identity of the suspect throughout the entire process.

Sequential lineups and blind administration shall be used whenever possible. However, if blind administration of a live or photographic lineup is not possible, investigators may administer a blinded photographic lineup, as described below. A sequential presentation should never be conducted without a blind or blinded administrator.

1. Obtaining a Description of the Perpetrator:

Prior to any lineup, law enforcement shall record a thorough description of the perpetrator from each eyewitness, taken separately for each eyewitness, in her or her own words.

2. SELECTION OF PHOTOGRAPHS FOR LINE-UP

Find photographs of persons that bear similar characteristics to the description of the suspect provided by the witness, not the exact features/characteristics of the suspect's photo.

Photographs should have same or similar backgrounds, photos should be of similar size and shape, and persons' clothing should be similar (all jail jumpsuits or all civilian clothes).

3. Witness Instructions:

Prior to the start of the identification procedure, the officer shall read the witness instructions. The witness shall sign the form to indicate that he or she understands the instructions.

4. Photographic Lineup:

Organizing a Photographic Lineup

- Include only one suspect in each identification procedure, with a minimum of five fillers.
- Fillers shall match the witness's description of the perpetrator in significant features, including any unique or unusual features.
- All photographs shall be contemporary and similar in size. There should be consistency in personal features across all pictures.
- The photographs shall be numbered and placed in individual folders.
- When conducting a single lineup for multiple witnesses, renumber photographs for each witness.
- If the witness has previously viewed a photo lineup in connection with the offense, use different fillers.

Conducting a Blind Photographic Lineup

Whenever possible, use the blind administration technique, in which the officer conducting the lineup does not know the suspect's identity.

- Prior to the presentation, read instructions to the witness on the form to ensure and document they understand the instructions. Present each photograph to the witness sequentially, with one photograph replacing another, so that no two are presented at the same time.
- After each photograph is presented, ask if the witness recognizes the person. Even if the witness identifies a previous photograph as the suspect, present each photograph in the series.
- At the request of the witness, the law enforcement official may present the photographs one more time. Witnesses shall be allowed to take as much time as needed before moving on.
- If an identification is made, record a statement of confidence on the form which shall be signed by the witness.

Blinded Administration of Lineup (Folder System):

The "Folder System" should be utilized when limited resources do not allow for blind administration to be conducted or when the investigating officer is the only personnel member available to conduct a photo lineup. The following instructions are recommended:

- Use one suspect photograph that resembles the description of the perpetrator provided by the witness, five filler photographs that match the description, and ten folders (four of the folders will not contain any photos and will serve as dummy folders).
- Affix one filler photo to Folder #1 and number the folder.
- The individual administering the lineup shall place the suspect photograph and the other four filler photographs into Folders #2-6 and shuffle the

photographs so that he is unaware of which folder the suspect is in, and then number the remaining folders, including Folders #7- 10, which will remain empty (this is done so that the witness does not know when he has seen the last photo).

- Prior to the presentation, read instructions to the witness from the form ensuring and documenting that they understand the instructions.
- Without looking at the photo in the folder, the administrator is to hand each folder to the witness individually. Each time the witness has viewed a folder, the witness should indicate whether or not this is the person the witness saw and the degree of confidence in this identification, and return the photo to the administrator. The order of the photos should be preserved, in a facedown position, in order to document.
- The administrator should then document and record the results of the procedure, including the order of the folders used.
- If an identification is made, record a statement of confidence on the form which shall be signed by the witness.

Documentation, which shall be treated as evidence, shall include the following:

- *Name of the administrating member and witness.*
- *Date and time of the identification procedure.*
- *Whether the administrating member presented a blind or blinded presentation.*
- *Names and sources of fillers used in the photo lineup.*
- *All identification and non-identification results obtained during the procedure, including a statement of confidence and all other pertinent witness statements, signed by the witness.*

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.