



Carrboro Police Department

Subject: Chapter 4: IDENTIFICATION PROCEDURES		Number: IV. Subsections
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- I. Purpose
- II. Definitions
- III. Show-up Procedures
- IV. Photo Lineup Procedures

I. PURPOSE

To help solve crimes, convict the guilty, and exonerate the innocent in criminal proceedings by standardizing the procedures for eyewitness identification of suspects.

II. DEFINITIONS

- A. Eyewitness: A person whose identification by sight of another person may be relevant in a criminal proceeding.
- B. Filler: A person or a photograph of a person who is not suspected of an offense and is included in a lineup.
- C. Independent administrator: A lineup administrator who is not participating in the investigation of the criminal offense and is unaware of which person in the lineup is the suspect.
- D. Live lineup: A procedure in which a group of people is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.
- E. Lineup: A photo lineup or live lineup.
- F. Lineup administrator: The person who conducts a lineup.
- G. Photo lineup: A procedure in which an array of photographs is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.
- H. Show-up: A one-on-one confrontation between the eyewitness and the suspect. A proper show-up must be conducted close in time to the crime and close to the location of the crime.



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III. SHOW-UP PROCEDURES

- A. A show-up should be conducted in as close a time as possible to the crime.
- B. A show-up should be conducted near the scene of the crime and not in a law enforcement facility.
- C. It is preferable to bring the witness to where the suspect is being detained unless other circumstances (witness injuries, other hazards, etc.) require bringing the suspect to the witness. Remember that any moving of a suspect from the original place of detention could be considered by a court to be the functional equivalent of an arrest so proceed cautiously.
- D. All officers should avoid saying or doing anything that would be seen as suggestive or that might influence the witness in any manner.
- E. Any officer conducting a show-up should make a reasonable effort to take a digital photograph of the suspect(s) during the show-up process and attach the photograph to the corresponding report.

IV. PHOTO LINEUP PROCEDURES

- A. A lineup shall be conducted by an independent administrator.
- B. Individuals or photos shall be presented to witnesses sequentially, with each individual or photo presented to the witness separately, in a previously determined order, and removed after it is viewed before the next individual or photo is presented.
- C. Before a lineup, the eyewitness shall be instructed that:
 - 1. The perpetrator might or might not be presented in the lineup,
 - 2. The lineup administrator does not know the suspect's identity,
 - 3. The eyewitness should not feel compelled to make an identification,
 - 4. It is as important to exclude innocent persons as it is to identify the



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perpetrator, and

5. The investigation will continue whether or not an identification is made. The eyewitness shall acknowledge the receipt of the instructions in writing. If the eyewitness refuses to sign, the lineup administrator shall note the refusal of the eyewitness to sign the acknowledgement and shall also sign the acknowledgement.
- D. In a photo lineup, the photograph of the suspect shall be contemporary and, to the extent practicable, shall resemble the suspect's appearance at the time of the offense.
- E. The lineup shall be composed so that the fillers generally resemble the eyewitness's description of the perpetrator, while ensuring that the suspect does not unduly stand out from the fillers. In addition:
1. All fillers selected shall resemble, as much as practicable, the eyewitness's description of the perpetrator in significant features, including any unique or unusual features.
 2. At least five fillers shall be included in a photo lineup, in addition to the suspect.
 3. At least five fillers shall be included in a live lineup, in addition to the suspect.
 4. If the eyewitness has previously viewed a photo lineup 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 current suspect participates shall be different from the fillers used in any prior lineups.
 5. If there are multiple eyewitnesses, the suspect shall be placed in a different position in the lineup or photo array for each eyewitness.
- F. In a lineup, no writings or information concerning any previous arrest, indictment, or conviction of the suspect shall be visible or made known to the eyewitness.



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- G. In a live lineup, any identifying actions, such as speech, gestures, or other movements, shall be performed by all lineup participants.
- H. In a live lineup, all lineup participants must be out of view of the eyewitness prior to the lineup.
- I. Only one suspect shall be included in a lineup.
- J. Nothing shall be said to the eyewitness regarding the suspect's position in the lineup or regarding anything that might influence the eyewitness' identification.
- K. The lineup administrator shall seek and document a clear statement from the eyewitness at the time of the identification and in the eyewitness's own words as to the eyewitness's confidence level that the person identified in a given lineup is the perpetrator. The lineup administrator shall separate all witnesses in order to discourage witnesses from conferring with one another before or during the procedure. Each witness shall be given instructions regarding the identification procedures without other witnesses present.
- L. If the eyewitness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning the person before the lineup administrator obtains the eyewitness' confidence statement about the selection. There shall not be anyone present during the live lineup or photographic identification procedures who knows the suspect's identity, except the eyewitness and counsel as required by law.
- M. Unless it is not practical, a video record of live identification procedures shall be made. If a video record is not practical, the reasons shall be documented, and an audio record shall be made. If neither a video nor audio record are practical, the reasons shall be documented, and the lineup administrator shall make a written record of the lineup.
- N. Whether video, audio, or in writing, the record shall include all of the following information:
 - 1. All identification and nonidentification results obtained during the identification procedure, signed by the eyewitness, including the eyewitness' confidence statement. If the eyewitness refuses to sign, the



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lineup administrator shall note the refusal of the eyewitness to sign the results and shall also sign the notation.

2. The names of all persons present at the lineup.
3. The date, time, and location of the lineup.
4. The words used by the eyewitness in any identification, including words that describe the eyewitness' certainty of identification.
5. Whether it was a photo lineup or live lineup and how many photos or individuals were presented in the lineup.
6. The sources of all photographs or persons used.
7. In a photo lineup, the photographs themselves.
8. In a live lineup, a photo or other visual recording of the lineup that includes all persons who participated in the lineup.