

*Eyewitness Evidence:
A Guide for Law Enforcement*



Part I: Interviewing Procedures

Section I.



Initial Report of the Crime/ First Responder (Preliminary Investigator)

A. Answering the 9–1–1/Emergency Call (Call-Taker/Dispatcher)

Procedure: During a 9–1–1/emergency call—after obtaining preliminary information and dispatching police—the call-taker/ dispatcher should—

1. Assure the caller the police are on the way.

Answering the 9–1–1/Emergency Call (Call-Taker/Dispatcher) *(cont.)*



2. Ask open-ended questions (e.g., “What can you tell me about the car?”) and augment with closed-ended questions (e.g., “What color was the car?”).

Obtaining Information From Witness(es)



Open-ended questions allow for an unlimited response from the witness in his/her own words.

Examples:

- “What can you tell me about the perpetrator?”
- “Tell me in your own words what happened.”

Obtaining Information From Witness(es) *(cont.)*



Closed-ended questions limit the amount or scope of information that the witness can provide.

Examples:

- “Did the perpetrator have a beard?”
- “What color was the car?”

Obtaining Information From Witness(es) *(cont.)*



3. Avoid asking suggestive or leading questions. Leading questions suggest an answer and may distort the caller's perception or memory.

Example:

- “Was the car red?”

Answering the 9–1–1/Emergency Call (Call-Taker/Dispatcher) *(cont.)*



4. Ask if anything else should be known about the incident.
5. Transmit information to responding officer(s).
6. Update officer(s) as more information comes in.

Answering the 9–1–1/Emergency Call (Call-Taker/Dispatcher) *(cont.)*



Summary:

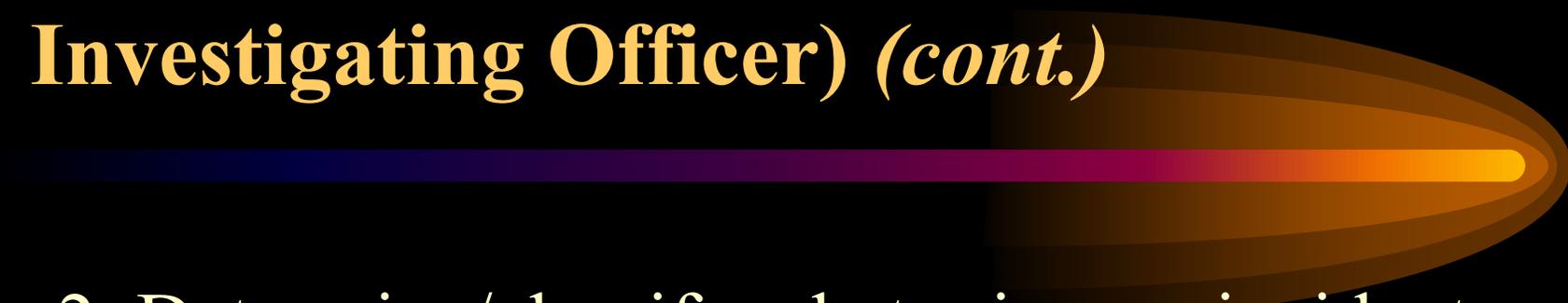
The information obtained from the witness is critical to the safety of those involved and may be important to the investigation. The manner in which facts are elicited from a caller can influence the accuracy of the information obtained.

B. Investigating the Scene (Preliminary Investigating Officer)

Procedure: After securing the scene and attending to any victims and injured persons, the preliminary investigating officer should—

1. Identify the perpetrator(s).
 - a. Determine the location of the perpetrator(s).
 - b. Detain or arrest if still present at the scene.

Investigating the Scene (Preliminary Investigating Officer) *(cont.)*

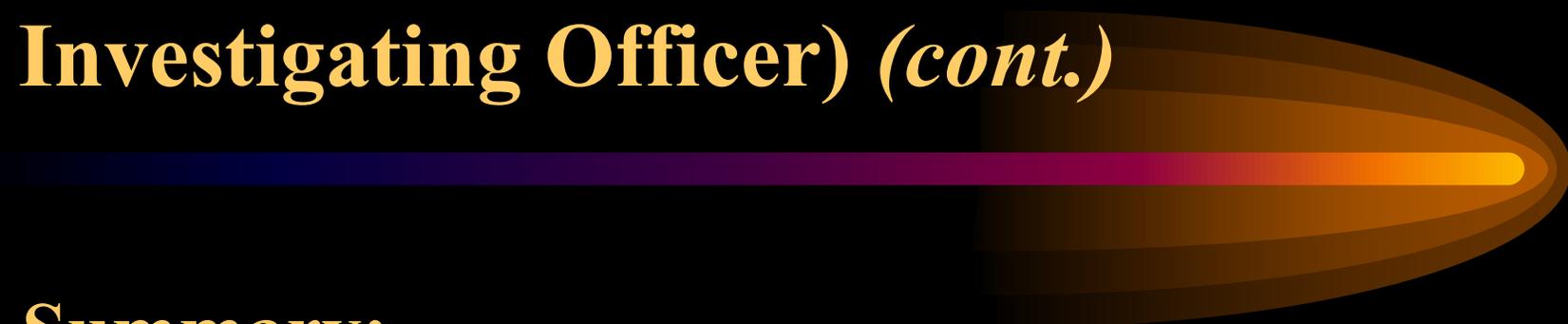


2. Determine/classify what crime or incident has occurred.
3. Broadcast an updated description of the incident, perpetrator(s), and/or vehicle(s).

Investigating the Scene (Preliminary Investigating Officer) (*cont.*)

4. Verify the identity of the witness(es).
5. *Separate witnesses* and instruct them to avoid discussing details of the incident with other witnesses.
6. Canvass the area for other witnesses.

Investigating the Scene (Preliminary Investigating Officer) *(cont.)*



Summary:

The preliminary investigation at the scene forms a sound basis for the accurate collection of information and evidence during the followup investigation.

C. Obtaining Information From Witness(es)

Procedure: When interviewing a witness, the preliminary investigating officer should—

1. Establish rapport with the witness.



2. Inquire about the witness's condition.

(To play audio sample, role mouse over audio icon.)

Obtaining Information From Witness(es) *(cont.)*



3. Use open-ended questions (e.g., “What can you tell me about the car?”); Augment with closed-ended questions (e.g., “What color was the car?”); and avoid leading questions (e.g., “Was the car red?”).

Obtaining Information From Witness(es) *(cont.)*



Convert the following closed-ended questions to open-ended format:

1. “What color was his hair?”
2. “Was he wearing a jacket?”
3. “Did he have a mustache or beard?”

Obtaining Information From Witness(es) *(cont.)*



4. Clarify the information received with the witness.
5. Document information obtained from the witness, including the witness's identity, in a written report.
6. Encourage the witness to contact investigators with any further information.

Obtaining Information From Witness(es) *(cont.)*



7. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.
8. Instruct the witness to avoid discussing details of the incident with other potential witnesses.

Obtaining Information From Witness(es) *(cont.)*



Summary:

Information obtained from the witness can corroborate other evidence (e.g., physical evidence or accounts provided by other witnesses) in the investigation. Therefore, it is important that this information be accurately documented in writing.

Section III.



Procedures for Interviewing the Witness by the Followup Investigator

A. Preinterview Preparations and Decisions



Procedure: Prior to conducting the interview, the investigator should—

1. Review available information.
2. Plan to conduct the interview as soon as the witness is physically and emotionally capable.

Preinterview Preparations and Decisions *(cont.)*



3. Select an environment that minimizes distractions while maintaining the comfort level of the witness.
4. Ensure resources are available (e.g., notepad, tape recorder, camcorder, interview room).

Preinterview Preparations and Decisions *(cont.)*



5. Separate the witnesses.

6. Determine the nature of the witness's prior law enforcement contact.

Preinterview Preparations and Decisions *(cont.)*



Summary:

Performing the above preinterview preparations will enable the investigator to elicit a greater amount of accurate information during the interview, which may be critical to the investigation.

B. Initial (Preinterview) Contact With the Witness



Procedure: On meeting with the witness but prior to beginning the interview, the investigator should—

1. Develop rapport with the witness.

Initial (Preinterview) Contact With the Witness (*cont.*)



2. Inquire about the nature of the witness's prior law enforcement contact related to the incident.
3. Volunteer no specific information about the suspect or case.

Initial (Preinterview) Contact With the Witness (*cont.*)



Summary:

Establishing a cooperative relationship with the witness likely will result in an interview that yields a greater amount of accurate information.

C. Conducting the Interview



The **cognitive interview** technique, used to obtain information from cooperative witnesses, has four basic principles—

(To play audio sample, role mouse over audio icon.)

Conducting the Interview (*cont.*)

Principle 1:

Social Dynamics Between the Interviewer and Witness



(To play audio sample, role mouse over audio icon.)

Conducting the Interview (*cont.*)

Principle 2:

Facilitation of the Witness's
Memory and Thinking



(To play audio sample, role mouse over audio icon.)

Conducting the Interview (*cont.*)



Principle 3:

Communication Between the
Interviewer and Witness

Conducting the Interview (*cont.*)



Principle 4:

Sequence of the Interview

C. Conducting the Interview (*cont.*)

Procedure: During the interview, the investigator should—

1. Encourage the witness to volunteer information without prompting.
2. Encourage the witness to report all details, even if they seem trivial.

Conducting the Interview (*cont.*)



3. Ask open-ended questions (e.g., “What can you tell me about the car?”) and augment with closed-ended questions (e.g., “What color was the car?”).
4. Avoid leading questions (e.g., “Was the car red?”).

Conducting the Interview (*cont.*)



5. Caution the witness not to guess.
6. Ask the witness to mentally recreate the circumstances of the event (e.g., “Think about your feelings at the time”).
7. Encourage nonverbal communication (e.g., drawings, gestures, objects).

Conducting the Interview (*cont.*)



8. Avoid interrupting the witness.
9. Encourage the witness to contact investigators when additional information is recalled.

Conducting the Interview (*cont.*)



10. Instruct the witness to avoid discussing details of the incident with other potential witnesses.
11. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.
12. Thank the witness for his/her cooperation.

Conducting the Interview (*cont.*)



Summary: Information elicited from the witness during the interview may provide investigative leads and other essential facts. The above interview procedures will enable the witness to provide the most accurate, complete description of the event and encourage the witness to report later recollections. Witnesses commonly recall additional information after the interview that may be critical to the investigation.

D. Recording Witness Recollections

Procedure: During or as soon as reasonably possible after the interview, the investigator should—

1. Document the witness's statements (e.g., audio or video recording, stenographer's documentation, witness's written statement, or written summary using witness's own words).

Recording Witness Recollections (*cont.*)



2. Review written documentation; ask the witness if there is anything he/she wishes to change, add, or emphasize.

Recording Witness Recollections (*cont.*)



Summary:

Complete and accurate documentation of the witness's statement is essential to the integrity and success of the investigation and any subsequent court proceedings.

E. Assessing the Accuracy of Individual Elements of a Witness's Statement

Procedure: After conducting the interview, the investigator should—

1. Consider each individual component of the witness's statement separately.

Assessing the Accuracy of Individual Elements of a Witness's Statement (*cont.*)

2. Review each element of the witness's statement in the context of the entire statement. Look for inconsistencies within the statement.
3. Review each element of the statement in the context of evidence known to the investigator from other sources (e.g., other witnesses' statements, physical evidence).

Assessing the Accuracy of Individual Elements of a Witness's Statement (*cont.*)



Summary:

Point-by-point consideration of the accuracy of each element of a witness's statement can assist in focusing the investigation. This technique avoids the common misconception that the accuracy of an individual element of a witness's description predicts the accuracy of another element.

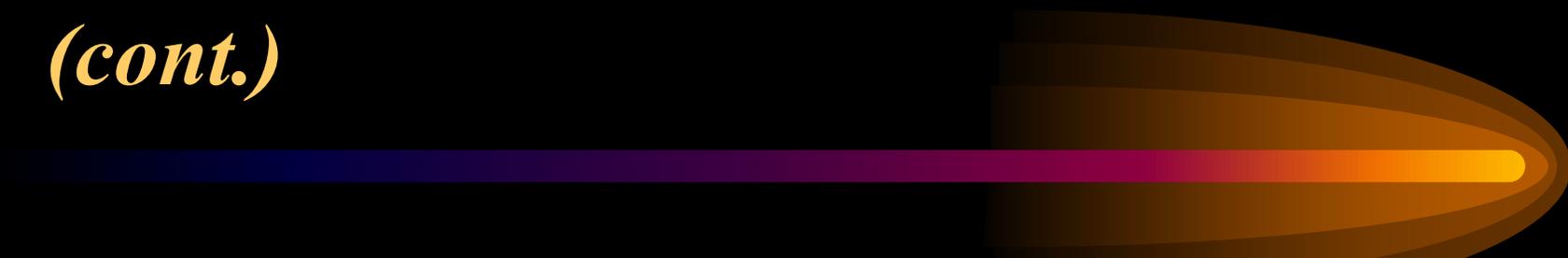
F. Maintaining Contact With the Witness



Procedure: During postinterview, followup contact with the witness, the investigator should—

1. Reestablish rapport with the witness.
2. Ask the witness if he/she has recalled any additional information.

Maintaining Contact With the Witness (*cont.*)



3. Follow interviewing and documentation procedures in subsections C, Conducting the Interview, and D, Recording Witness Recollections.
4. Provide no information from other sources.

Maintaining Contact With the Witness (*cont.*)



Summary:

Reestablishing contact and rapport with the witness often leads to recovery of additional information. Maintaining open communication channels with the witness throughout the investigation is critical.

*Eyewitness Evidence:
A Guide for Law Enforcement*

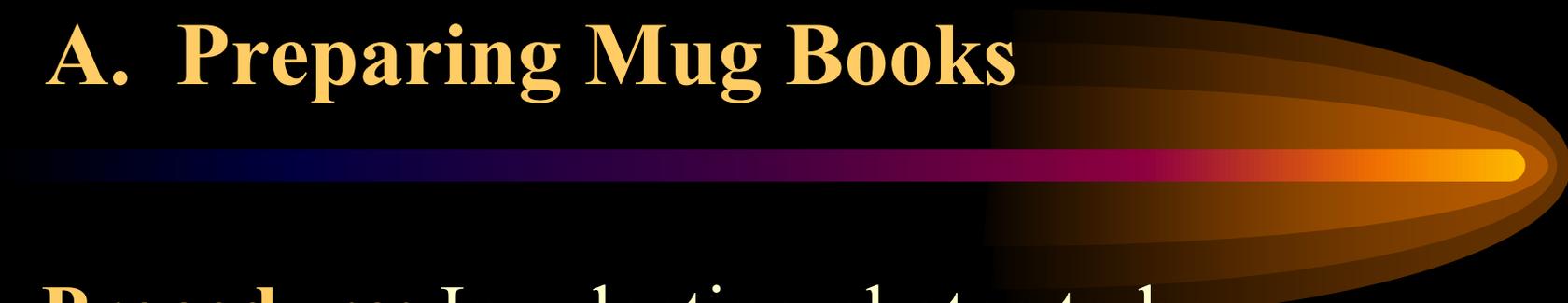


**Part II: Identification
Procedures**

Section II.

Mug Books and Composites

A. Preparing Mug Books



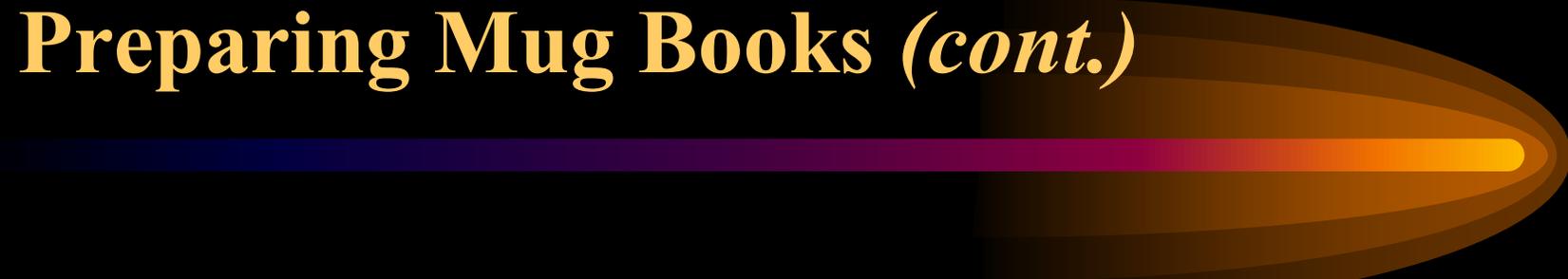
Procedure: In selecting photos to be preserved in a mug book, the preparer should—

1. Group photos by format (e.g., color or black and white; Polaroid, 35mm, or digital; video) to ensure that no photo unduly stands out.

Preparing Mug Books (*cont.*)

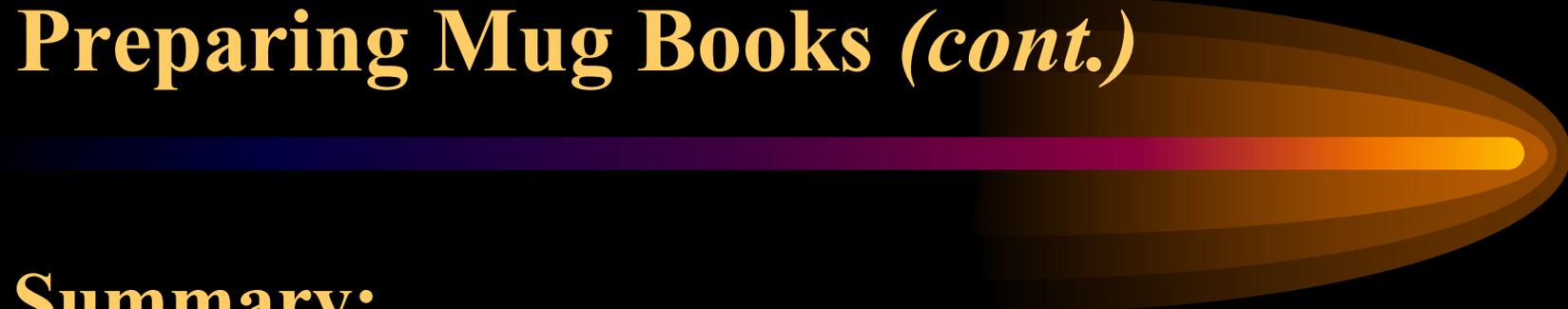
2. Select photos of individuals that are uniform with regard to general physical characteristics (e.g., race, age, sex).
3. Consider grouping photos by specific crime (e.g., sexual assault, gang activity).

Preparing Mug Books (*cont.*)



4. Ensure that positive identifying information exists for all individuals portrayed.
5. Ensure that photos are reasonably contemporary.
6. Ensure that only one photo of each individual is in the mug book.

Preparing Mug Books (*cont.*)



Summary:

Mug books must be objectively compiled to yield investigative leads that will be admissible in court.

B. Developing and Using Composite Images



Procedure: The person preparing the composite should—

1. Assess the ability of the witness to provide a description of the perpetrator.
2. Select the procedure to be used from those available (e.g., identikit-type, artist, computer-generated images).

Developing and Using Composite Images *(cont.)*



3. Unless part of the procedure, avoid showing the witness any photos immediately prior to development of the composite.
4. Select an environment for conducting the procedure that minimizes distractions.

Developing and Using Composite Images *(cont.)*



5. Conduct the procedure with each witness separately.
6. Determine with the witness whether the composite is a reasonable representation of the perpetrator.

Developing and Using Composite Images *(cont.)*

Summary:

The use of composite images can yield investigative leads in cases in which no suspect has been determined. Use of these procedures can facilitate obtaining from the witness a description that will enable the development of a reasonable likeness of the perpetrator.

C. Instructing the Witness: *Mug Book*

Procedure: The investigator/person conducting the procedure should—

1. Instruct each witness without other persons present.
2. Describe the mug book to the witness only as a “collection of photographs.”

Instructing the Witness: *Mug Book (cont.)*



3. Instruct the witness that the person who committed the crime may or may not be present in the mug book.
4. Consider suggesting to the witness to think back to the event and his/her frame of mind at the time.

Instructing the Witness: *Mug Book (cont.)*



5. Instruct the witness to select a photograph if he/she can and to state how he/she knows the person if he/she can.
6. Assure the witness that regardless of whether he/she makes an identification, the police will continue to investigate the case.

Instructing the Witness: *Mug Book (cont.)*



7. Instruct the witness that the procedure requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification.

C. Instructing the Witness: *Composite*

Procedure: The investigator/person conducting the procedure should—

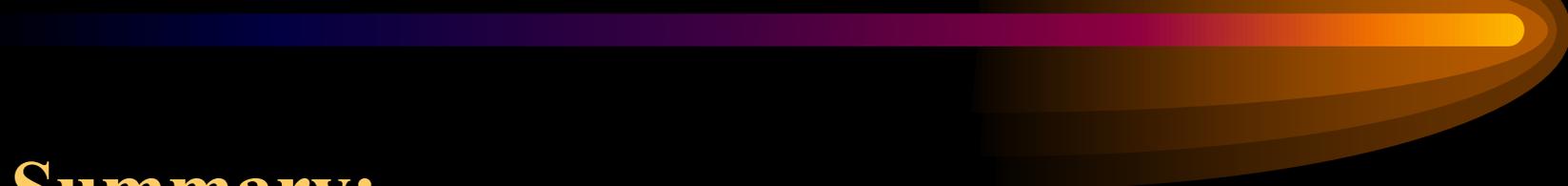
1. Instruct each witness without other persons present.
2. Explain the type of composite technique to be used.

Instructing the Witness: *Composite (cont.)*



3. Explain to the witness how the composite will be used in the investigation.
4. Instruct the witness to think back to the event and his/her frame of mind at the time.

C. Instructing the Witness (*cont.*)



Summary:

Providing instructions to the witness can improve his/her comfort level and can result in information that may assist the investigation.

D. Documenting the Procedure

Procedure: The person conducting the procedure should—

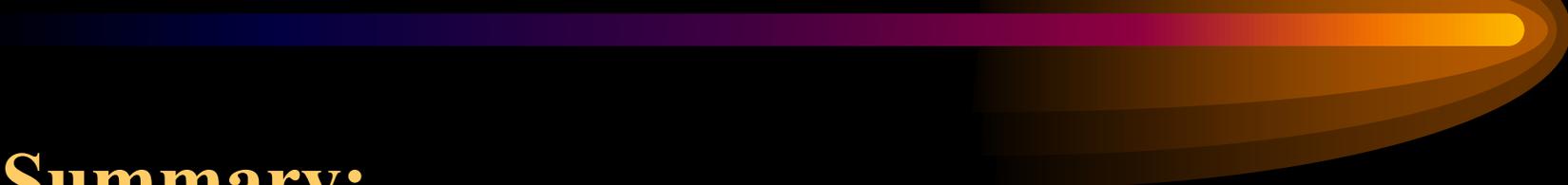
1. Document the procedure employed (e.g., identikit-type, mug book, artist, computer-generated image) in writing.

Documenting the Procedure *(cont.)*



2. Document the results of the procedure in writing, including the witness's own words regarding how certain he/she is of any identification.
3. Document items used and preserve composites generated.

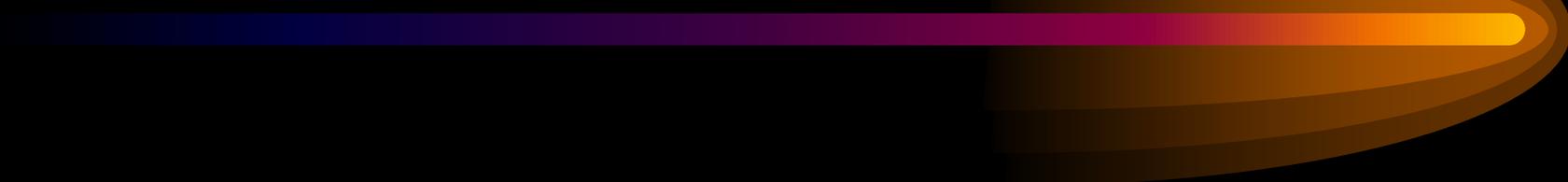
Documenting the Procedure (*cont.*)



Summary:

Documentation of the procedure and its outcome improves the strength and credibility of the results obtained from the witness and can be an important factor in the investigation and any subsequent court proceedings.

Section IV.



Field Identification Procedure (Showup)

A. Conducting Showups



Procedure: When conducting a showup, the investigator should—

1. Determine and document, prior to the showup, a description of the perpetrator.
2. Consider transporting the witness to the location of the detained suspect to limit the legal impact of the suspect's detention.

Conducting Showups (*cont.*)

3. When multiple witnesses are involved:
 - a. Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.
 - b. If a positive identification is obtained from one witness, consider using other identification procedures (e.g., lineup, photo array) for remaining witnesses.

Conducting Showups (*cont.*)



4. Caution the witness that the person he/she is looking at may or may not be the perpetrator.
5. Obtain and document a statement of certainty for both identifications and nonidentifications.

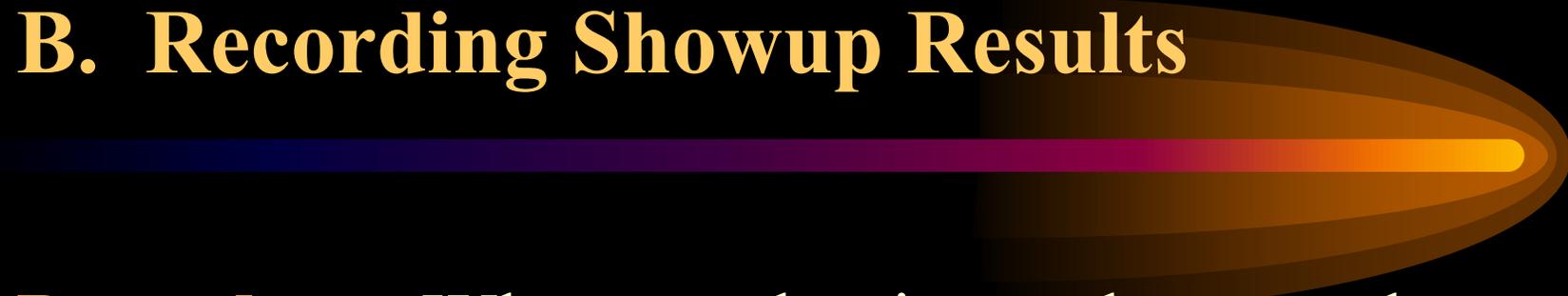
Conducting Showups (*cont.*)



Summary:

The use of a showup can provide investigative information at an early stage, but the inherent suggestiveness of a showup requires careful use of procedural safeguards.

B. Recording Showup Results



Procedure: When conducting a showup, the investigator should—

1. Document the time and location of the procedure.
2. Record both identification and nonidentification results in writing, including the witness's own words regarding how certain he/she is.

Recording Showup Results (*cont.*)



Summary:

Preparing a complete and accurate record of the outcome of the showup improves the strength and credibility of the identification or nonidentification results obtained from the witness and can be a critical document in the investigation and any subsequent court proceedings.

Section V.



Procedures for Eyewitness Identification of Suspects

Video Clip 1



(To view video, roll mouse over video screen. Video is not accompanied by sound.)

A. Composing Lineups: *Photo Lineup*



Procedure: In composing a photo lineup, the investigator should—

1. Include only one suspect in each identification procedure.

Composing Lineups: *Photo Lineup* (*cont.*)



2. Select fillers who generally fit the witness's description of the perpetrator. When there is a limited/inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.

Description: white male, 19 to 25 years old, dark hair, no facial hair.

Pick five fillers.



1



2



3



4



5



6



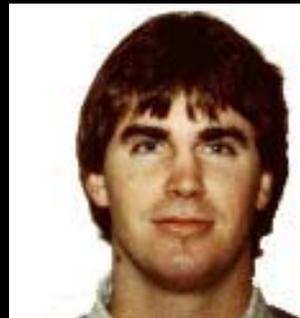
7



8



9



10



11



12

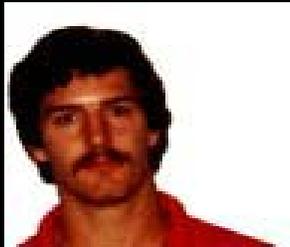
79



Suppose that this man is the suspect.

Witness description: white male, 19-30,
dark hair, clean shaven. Pick five fillers.

1



2



3



4



5



6



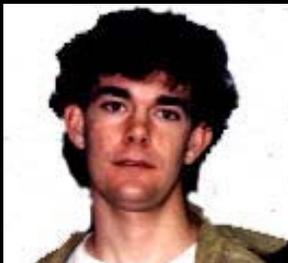
7



8



9



10



11



12



80

Composing Lineups: *Photo Lineup* (*cont.*)



3. If multiple photos of the suspect are reasonably available to the investigator, select a photo that resembles the suspect's description or appearance at the time of the incident.
4. Include a **minimum** of five fillers (nonsuspects) per identification procedure.

Composing Lineups: *Photo Lineup* (*cont.*)



5. Consider that complete uniformity of features is not required. Avoid using fillers that so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

The eyewitness described the perpetrator as a 18- to 22-year-old white male with brown hair and no facial hair.



Composing Lineups: *Photo Lineup* (*cont.*)



6. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (e.g., scars, tattoos) used to describe the perpetrator by artificially adding or concealing that feature.

In this case, the eyewitness described the perpetrator as a cross-eyed, black male.



Composing Lineups: *Photo Lineup* (*cont.*)



7. Consider placing suspects in different positions in each lineup, both across cases and with multiple witnesses in the same case. Position the suspect randomly in the lineup.
8. When showing a new suspect, avoid reusing fillers in lineups shown to the same witness.

Composing Lineups: *Photo Lineup* (*cont.*)



9. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness.
10. View the spread, once completed, to ensure that the suspect does not unduly stand out.

Composing Lineups: *Photo Lineup* (*cont.*)



11. Preserve the presentation order of the photo lineup. In addition, the photos themselves should be preserved in their original condition.

Perpetrator described as white male, age 25–40, approximately 6'2" tall, dark hair at ear length, and no facial hair. Suspect is in position 3. What problems are there with this lineup?



A. Composing Lineups: *Live Lineup*

Procedure: In composing a live lineup, the investigator should—

1. Include only one suspect in each identification procedure.

Composing Lineups: *Live Lineup* (*cont.*)



2. Select fillers who generally fit the witness's description of the perpetrator. When there is a limited/inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.

Composing Lineups: *Live Lineup* (*cont.*)



3. Consider placing suspects in different positions in each lineup, both across cases and with multiple witnesses in the same case. Position the suspect randomly, unless, where local practice allows, the suspect or the suspect's attorney requests a particular position.

Composing Lineups: *Live Lineup* (*cont.*)



4. Include a **minimum** of four fillers (nonsuspects) per identification procedure.
5. When showing a new suspect, avoid reusing fillers in lineups shown to the same witness.

Composing Lineups: *Live Lineup* (*cont.*)



6. Consider that complete uniformity of features is not required. Avoid using fillers that so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

Composing Lineups: *Live Lineup* (*cont.*)



7. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (e.g., scars, tattoos) used to describe the perpetrator by artificially adding or concealing that feature.

The perpetrator was described by the eyewitness as a white male with light-colored hair. What are two clear problems with this lineup?



A. Composing Lineups (*cont.*)



Summary:

The above procedures will result in a lineup in which the suspect does not unduly stand out. An identification obtained through a lineup composed in this manner may have stronger evidentiary value than one obtained without these procedures.

Video Clip 2



(To view video, roll mouse over video screen. Video is not accompanied by sound.)

Video Clip 3



(To view video, roll mouse over video screen. Video is not accompanied by sound.)

Replay of Video Clip 1



(To view video, roll mouse over video screen. Video is not accompanied by sound.)

B. Instructing the Witness Prior to Viewing a Lineup: *Photo Lineup*

Procedure: Prior to presenting a photo lineup, the investigator should—

1. Instruct the witness that he/she will be asked to view a set of photographs.
2. Instruct the witness that it is just as important to clear innocent persons from suspicion as to identify guilty parties.

Instructing the Witness: *Photo Lineup* (*cont.*)



3. Instruct the witness that individuals depicted in lineup photos may not appear exactly as they did on the date of the incident, because features such as head and facial hair are subject to change.

Instructing the Witness: *Photo Lineup* (*cont.*)



4. Instruct the witness that the person who committed the crime may or may not be in the set of photographs being presented.
5. Assure the witness that regardless of whether an identification is made, the police will continue to investigate the incident.

Instructing the Witness: *Photo Lineup* (*cont.*)



6. Instruct the witness that the procedure requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification.

B. Instructing the Witness Prior to Viewing a Lineup: *Live Lineup*

Procedure: Prior to presenting a live lineup, the investigator should—

1. Instruct the witness that he/she will be asked to view a group of individuals.
2. Instruct the witness that it is just as important to clear innocent persons from suspicion as to identify guilty parties.

Instructing the Witness: *Live Lineup* (*cont.*)



3. Instruct the witness that individuals present in the lineup may not appear exactly as they did on the date of the incident, because features such as head and facial hair are subject to change.
4. Instruct the witness that the person who committed the crime may or may not be present in the group of individuals.

Instructing the Witness: *Live Lineup* (*cont.*)



5. Assure the witness that regardless of whether an identification is made, the police will continue to investigate the incident.
6. Instruct the witness that the procedure requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification.

B. Instructing the Witness Prior to Viewing a Lineup (*cont.*)

Summary:

Instructions provided to the witness prior to presentation of a lineup will likely improve the accuracy and reliability of any identification obtained from the witness and can facilitate the elimination of innocent parties from the investigation.

C. Conducting the Identification

Procedure: *Simultaneous Photo Lineup*

Procedure: When presenting a simultaneous photo lineup, the investigator should—

1. Provide viewing instructions to the witness as outlined in subsection B, *Instructing the Witness Prior to Viewing a Lineup*.
2. Confirm that the witness understands the nature of the lineup procedure.

Conducting the Identification Procedure: *Simultaneous Photo Lineup (cont.)*

3. Avoid saying anything to the witness that may influence the witness's selection.
4. If an identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness's statement of certainty.

Conducting the Identification Procedure: *Simultaneous Photo Lineup (cont.)*

5. Record any identification results and witness's statement of certainty as outlined in subsection D, Recording Identification Results.

LINEUP FORM

(Required for Every Photo or Live Lineup)

Date of offense: _____ Case or file number: _____

Witness name: _____

Results of lineup conducted on _____ (date) at _____ (time):

I selected photo/person number _____ from the lineup.

I made no selection from the photos shown/persons in lineup.

Witness statement about this identification or nonidentification:

Unusual circumstances (clothing passed among participants, etc.):

Phrases spoken by suspect(s): _____

Signature of witness: _____

Signature of investigating officer: _____

Names of any other persons present at lineup and relationship to case:

Conducting the Identification Procedure: *Simultaneous Photo Lineup (cont.)*

6. Document in writing the photo lineup procedures, including—
 - a. Identification information and sources of all photos used.
 - b. Names of all persons present at the photo lineup.
 - c. Date and time of the identification procedure.

Conducting the Identification Procedure: *Simultaneous Photo Lineup (cont.)*

7. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

C. Conducting the Identification

Procedure: *Sequential Photo Lineup*

Procedure: When presenting a sequential photo lineup, the investigator should—

1. Provide viewing instructions to the witness as outlined in subsection B, *Instructing the Witness Prior to Viewing a Lineup*.

Conducting the Identification Procedure: *Sequential Photo Lineup (cont.)*

2. Provide the following **additional** viewing instructions to the witness:
 - a. Individual photographs will be viewed **one at a time**.
 - b. The photos are in random order.
 - c. Take as much time as needed in making a decision about each photo before moving on to the next one.

Conducting the Identification Procedure: *Sequential Photo Lineup (cont.)*

- d. All photos will be shown, even if an identification is made; *or* the procedure will be stopped at the point of an identification (consistent with jurisdictional/departamental procedures).
3. Confirm that the witness understands the nature of the sequential procedure.

Conducting the Identification Procedure: *Sequential Photo Lineup (cont.)*

4. Present each photo to the witness separately, in a previously determined order, removing those previously shown.
5. Avoid saying anything to the witness that may influence the witness's selection.

Conducting the Identification Procedure: *Sequential Photo Lineup (cont.)*

6. If an identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness's statement of certainty.

Conducting the Identification Procedure: *Sequential Photo Lineup (cont.)*

7. Record any identification results and witness's statement of certainty as outlined in subsection D, Recording Identification Results.

Conducting the Identification Procedure: *Sequential Photo Lineup (cont.)*

8. Document in writing the photo lineup procedures, including—
 - a. Identification information and sources of all photos used.
 - b. Names of all persons present at the photo lineup.
 - c. Date and time of the identification procedure.

Conducting the Identification Procedure: *Sequential Photo Lineup (cont.)*

9. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

C. Conducting the Identification

Procedure: *Simultaneous Live Lineup*

Procedure: When presenting a simultaneous live lineup, the investigator/lineup administrator should—

1. Provide viewing instructions to the witness as outlined in subsection B, Instructing the Witness Prior to Viewing a Lineup.

Conducting the Identification Procedure: *Simultaneous Live Lineup (cont.)*

2. Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup.
3. Ensure that any identification actions (e.g., speaking, moving) are performed by all members of the lineup.

Conducting the Identification Procedure: *Simultaneous Live Lineup (cont.)*

4. Avoid saying anything to the witness that may influence the witness's selection.
5. If an identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness's statement of certainty.

Conducting the Identification Procedure: *Simultaneous Live Lineup (cont.)*

6. Record any identification results and witness's statement of certainty as outlined in subsection D, Recording Identification Results.

Conducting the Identification Procedure: *Simultaneous Live Lineup (cont.)*

7. Document the lineup in writing, including—
 - a. Identification information of lineup participants.
 - b. Names of all persons present at the lineup.
 - c. Date and time the identification procedure was conducted.

Conducting the Identification Procedure: *Simultaneous Live Lineup (cont.)*

8. Document the lineup by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly.
9. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

C. Conducting the Identification

Procedure: *Sequential Live Lineup*

Procedure: When presenting a sequential live lineup, the lineup administrator/ investigator should—

1. Provide viewing instructions to the witness as outlined in subsection B, *Instructing the Witness Prior to Viewing a Lineup*.

Conducting the Identification Procedure: *Sequential Live Lineup (cont.)*

2. Provide the following **additional** viewing instructions to the witness:
 - a. Individuals will be viewed **one at a time**.
 - b. The individuals will be presented in random order.
 - c. Take as much time as needed in making a decision about each individual before moving to the next one.

Conducting the Identification Procedure: *Sequential Live Lineup (cont.)*

- d. If the person who committed the crime is present, identify him/her.
 - e. All individuals will be presented, even if an identification is made; *or* the procedure will be stopped at the point of an identification (consistent with jurisdictional/departamental procedures).
3. Begin with all lineup participants out of the view of the witness.

Conducting the Identification Procedure: *Sequential Live Lineup (cont.)*

4. Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup.
5. Present each individual to the witness separately, in a previously determined order, removing those previously shown.

Conducting the Identification Procedure: *Sequential Live Lineup (cont.)*



6. Ensure that any identification actions (e.g., speaking, moving) are performed by all members of the lineup.
7. Avoid saying anything to the witness that may influence the witness's selection.

Conducting the Identification Procedure: *Sequential Live Lineup (cont.)*

8. If an identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness's statement of certainty.
9. Record any identification results and witness's statement of certainty as outlined in subsection D, Recording Identification Results.

Conducting the Identification Procedure: *Sequential Live Lineup (cont.)*

10. Document the lineup procedures and content in writing, including—
 - a. Identification information of lineup participants.
 - b. Names of all persons present at the lineup.
 - c. Date and time the identification procedure was conducted.

Conducting the Identification Procedure: *Sequential Live Lineup (cont.)*

11. Document the lineup by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly. Photo documentation can be of either the group or each individual.

Conducting the Identification Procedure: *Sequential Live Lineup (cont.)*



12. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

C. Conducting the Identification Procedure *(cont.)*



Summary:

The manner in which an identification procedure is conducted can affect the reliability, fairness, and objectivity of the identification. Use of the above procedures can minimize the effect of external influences on a witness's memory.

D. Recording Identification Results



Procedure: When conducting an identification procedure, the investigator should—

1. Record both identification and nonidentification results in writing, including the witness's own words regarding how sure he/she is.

LINEUP FORM

(Required for Every Photo or Live Lineup)

Date of offense: _____ Case or file number: _____

Witness name: _____

Results of lineup conducted on _____ (date) at _____ (time):

I selected photo/person number _____ from the lineup.

I made no selection from the photos shown/persons in lineup.

Witness statement about this identification or nonidentification:

Unusual circumstances (clothing passed among participants, etc.):

Phrases spoken by suspect(s): _____

Signature of witness: _____

Signature of investigating officer: _____

Names of any other persons present at lineup and relationship to case:

Recording Identification Results (*cont.*)



2. Ensure results are signed and dated by the witness.
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.

Recording Identification Results

(cont.)



Summary:

Preparing a complete and accurate record of the outcome of the identification procedure improves the strength and credibility of the identification or nonidentification results obtained from the witness. This record can be a critical document in the investigation and any subsequent court proceedings.