



East Norriton Township Police Department

GENERAL ORDER 3.5.3

EYEWITNESS IDENTIFICATION

Subject:

Investigative Procedures

Issued Date:

March 23, 2011

Effective Date:

March 23, 2011

Revised Date:

May 12, 2020

PLEAC STANDARD Reference

2.9.1

Index Words

Eyewitness Identification

3.5.3 Eyewitness Identification

(PLEAC 2.9.1)

The purpose of this policy is to establish guidelines for conducting photographic arrays, physical line-ups and show-ups to ensure reliable identification and testimony is obtained.

All laws of the Commonwealth of Pennsylvania and Rules of Criminal Procedure shall be followed when preparing and presenting any eyewitness identification process.

PHOTOGRAPHIC ARRAY:

A. The Montgomery County District Attorney's Office has designed and established a system known as a *Sequential Photographic Array* for presenting photographic arrays to victims and witnesses during criminal investigations; this shall be the preferred method of use by the East Norriton Township Police Department as stated below:

1. All photographic arrays shall use at least 8 individual photographs (7 fillers/1 suspect). The filler photographs shall depict individuals who are similar in appearance (build, skin tone, hair color, facial hair) to the suspect, and shall be in color unless circumstances dictate otherwise, i.e., lighting issues in the suspect photo or garment coloring that causes the suspect photo to stand out among the others excessively.
2. Images reflecting injuries shall not be used unless no other images are available. For example, a suspect photo in CPIN that depicts a subject with a swollen eye as a result of a fight should not be utilized.
3. When possible, images used in photographic arrays should come from the same source. Images used can come from the following sources:
 - CPIN photos
 - Drivers' License photos
4. Image size, composition and background should be substantially similar. For example, using a suspect photograph that shows head, shoulders and chest among five non-suspect photos only showing the face and head is not acceptable
5. Photographs shall be prepared such that a sequential array can be presented. Each photo should appear on a separate page to facilitate showing each picture individually.
6. When conducting a **physical line-up** the above procedures, when applicable, shall apply.

B. Situations where more than one eyewitness is available:

1. Each eyewitness shall be presented with the photographic array separately. A separate, but identical array should be utilized and the witnesses shall be segregated.
2. Eyewitnesses should remain segregated until all potential eyewitnesses have had an opportunity to review the photographic array. If multiple eyewitnesses will review the line-up on different dates, it is recommended that the images be shuffled and/or different fillers be used to minimize witness influence.
3. It is desirable that the same location or facility be used when multiple eyewitnesses are shown the same array to ensure consistent conditions.

C. Location of and Presentation of Photographic Arrays

1. When possible, officers presenting eyewitnesses with a photographic array should do so in an interview room at the East Norriton Township Police Department
 - a. The interview room should be free of distractions such as excessive paperwork, items or documents on the table. If possible, the only document on the table should be the photographic line-up.
 - b. Only one police officer should be in the room conducting the line-up presentation.
 - c. When possible, no other persons should be with the eyewitness in the room at the time of the photographic presentation.
2. Officers conducting the presentation of a photographic array at other facilities, shall, if possible, seek out a room free from as many distractions as possible.
3. "Blind" Administrator: an investigator who does not know the identity of the suspect photograph contained in the array. This process is done to ensure the presenting officer does not inadvertently taint the process by giving involuntary, non-verbal cues as to which photo is that of the suspect. Blind administration of the photographic array should be conducted when practicable. When the array is received from the investigator, the suspect photograph will be rotated by the 'blind' administrator and numbered in sequence for each victim/witness who views the array.
4. Officers administering a photographic array shall provide the following verbal instructions:

"You will be asked to view a set of photographs.

These individuals may or may not be related to the investigation being conducted.

These individuals may not appear exactly as they did in the date of the incident. Head, facial hair, make-up, and clothing are subject to change.

The person who committed the crime may or may not be shown.

Regardless of whether an identification is made, the police will continue to investigate the incident.

Even if you make an identification, the remaining photographs will be displayed to you.

Take your time and look at each photograph.

If you recognize any of the individuals, point to the photograph and say how you know them or why you recognize them. If you do not recognize the individual in the picture being presented to you, tell me."
6. The photographs shall then be presented, one at a time, to the eyewitness. The officer shall wait for the eyewitness to indicate that they do or do not recognize the individual in the picture before moving on.
7. The eyewitness shall be instructed to sign their name on the photograph they are identifying from the array.

8. Upon presentation of the photos, the officer shall offer no feedback, positive or negative, regarding the eyewitness' selection process or the actual selection of a suspect photo.
9. Following eyewitness selection, the presenting officer shall ask the eyewitness to characterize their level of confidence in the selection from the following:
 - a. POSITIVE (absolutely the suspect)
 - b. PROBABLE (pretty sure this is the suspect)
 - c. UNCERTAIN (off all of the people in the pictures, the one selected looks most like the suspect, but the witness is unsure)

D. Documentation of the Photographic Array Line-Up

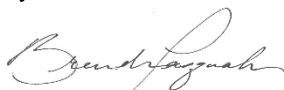
1. All aspects of the presentation of the photographic line-up shall be documented in either the initial incident report or a supplemental report, including the following information:
 - a. Date, time and location of presentation,
 - b. Officer presenting the line-up, their role in the case,
 - c. The name of the Blind Administrator,
 - d. Other personnel in the room before, during and after the line-up.
 - e. The reading of the instructions to the eyewitness
 - f. The segregation of multiple eyewitnesses, if applicable
 - g. The level of confidence expressed by the witness in their selection
 - h. The inability of the eyewitness to make a selection, if applicable
 - h. The lack of feedback provided by the administrator of the line-up
 - i. The photographic line-up sheet.
 - j. If audio or video recording are being made and the media to which they are being recorded
2. The signed-off photographic line-up sheet shall be logged in as evidence.
3. If used, audio and/or video recordings of the presentation of the photographic array shall be logged in and handled as evidence.

E. Conducting a Show-Up

1. A physical show-up identification may be utilized under the following conditions:
 - a. A crime has just occurred
 - b. A reasonable description of the suspect has been provided to the police
 - c. The police have a suspect matching the description detained at a location reasonable to believe could be reached based on the time of the call and search of the surrounding area.
 - d. The eyewitness making the identification had been in a position to be able to make a positive identification of the suspect if they were to see him/her again.
2. Eyewitnesses shall be transported to the location where the suspect is being detained. They may be transported in an East Norriton Township Police Department vehicle, and when done transported back to their original location.
 - a. Where more than one eyewitness is available, an effort shall be made to transport them separately.

- b. If eyewitnesses are transported together, effort shall be made to limit communication regarding the suspect
3. Use of Video and/or audio Recording when Appropriate.
 - a. The use of video and/or audio recording devices during the eyewitness identification of a suspect via a Show-up is authorized and encouraged. The use of such devices will allow for the reaction of the eyewitness and their level of certainty regarding the identification of the subject in the Show-up to be documented.
4. Eyewitnesses shall remain in the police vehicle, if possible, when a show-up is conducted. Efforts shall be made to conceal the identity of eyewitnesses using lighting, garments or other means.
5. Instruction from the officer administering the show-up shall be limited to inquiring if the eyewitness sees the suspect.
6. Following eyewitness selection, the presenting officer shall ask the eyewitness to characterize their level of confidence in the selection from the following:
 - a. POSITIVE (absolutely the suspect)
 - b. PROBABLE (pretty sure this is the suspect)
 - c. UNCERTAIN (the individual looks like the suspect, but the witness is unsure)
7. If the eyewitness is unable to identify the suspect, and no other reason for continued detention exists, the detained individual shall be promptly released.
8. All aspects of the show-up identification shall be documented in either the initial incident report or a supplemental report, including the following information:
 - a. Date, time and location of the presentation
 - b. Eyewitness information
 - c. Name of the officer presenting the show-up, and their role in the case
 - d. Transporting officer (if other than presenting officer) and vehicle
 - e. Location the eyewitness is transported from and to for the presentation of the show-up
 - f. Remarks regarding the conditions, both physical and environmental, where the show-up was conducted.
 - g. Any other personnel present at the time of the show-up and their roles.
 - h. Any instruction to the eyewitness
 - i. The segregation of multiple eyewitnesses, if applicable
 - j. The level of confidence expressed by the witness in their selection
 - k. The inability of the eyewitness to make a selection, if applicable
 - l. The lack of feedback provided by the administrator of the show-up
 - m. The return transport of the eyewitness.
9. If possible, a witness statement shall include an account of the show up and an indication of the result. This document shall be logged in as evidence for the case and handled as such.

By order of:



Brandon Pasquale
Chief of Police