



**SPRINGFIELD TOWNSHIP POLICE DEPARTMENT**  
**Wyndmoor, Pennsylvania**

**Policy 2-09**

**Policy Title:** Eyewitness Identification

**Date of Issue:** December 1, 2022

**Rescinds:** None

**By Authority of:**

**Chief of Police**

**I. Purpose**

The purpose of this policy is to establish guidelines and procedures regarding eyewitness identifications during lineups and showups.

**II. Policy**

It is the policy of the Springfield Township Police Department to conduct a fair and reliable eyewitness identification. All employees shall endeavor to produce a neutral, fair, and reliable identification in accordance with the laws of the Commonwealth of Pennsylvania, the Rules of Criminal Procedure, the Montgomery County District Attorney's Office Law Enforcement Prosecution Manual (Attachment A), and this policy.

**III. Lineups**

- A. A sequential photographic lineup or photo array is a collection of photographs that are shown to a witness to determine if the witness can recognize a person involved with a crime.
- B. When possible, computer-generated photo arrays should be used.
- C. Color photographs are preferred.
- D. A photo array shall consist of no less than eight photographs which are the same quality and dimension, and similar in:
  1. Age
  2. Sex
  3. Race

4. Ethnicity
  5. Hair length
  6. Facial hair (if any)
  7. Hair color (if color photographs are used)
  8. Complexion (freckles, moles, acne, etc.)
  9. Clothing
  10. Height and Weight (if apparent in the photo)
  11. Background and color of the photo
- E. Any alterations made to the photographs shall be documented in the report.
- F. If there are multiple suspects, then each suspect must be placed in a separate photo array. Different fillers (a person whose photo is used in the array but is not a suspect), should be used for each array.
- G. After the photo array has been assembled, the investigator should show the array to another officer to review it prior to showing it to a witness, if practicable. The purpose of this step is to spot potential problems with the array.
- H. In investigations where more than one eyewitness is available, the following guidelines should be used:
1. Witnesses must view the photo arrays separately.
  2. One photo array per suspect can be shown to multiple witnesses, provided there are no markings on the photo array. Duplicate copies of one photo array can be made for each witness, particularly if the witness will be signing the form. When the photo lineup is shown to multiple witnesses / victims, the suspect photo should be placed in a different order in the grouping for each witness.
  3. If there are multiple witnesses who will be viewing a photo array, they should be told not to speak to each other about the identification procedure before, during, or after the process. They shall be isolated from other persons and given the opportunity to view the photo array undisturbed and without comment of feedback from other persons.

#### **IV. Instructions to Witnesses Viewing a Photo Array / Lineup**

- A. Instructions should be given to the witness before the identification procedure begins and not while the witness is in the process of viewing the photo array.
- B. Unless extraordinary circumstances exist, the instructions should be read from the Photo Identification Procedure Form (Attachment B). They are:
1. As part of the ongoing investigation into a crime that occurred on (date) at (location) you will view a photo array.
  2. The photo array consists of eight photographs of individuals. Each photograph has a number underneath the photograph.
  3. Take whatever time you want to view the photo array.
  4. The perpetrator may or may not be among the pictures.
  5. Do not assume that I know who the perpetrator is.
  6. Do not look to me or anyone else in the room for guidance during the procedure.
  7. Individuals presented in the photo array 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.
  8. Photographs may not always depict the true complexion of a person; it may be lighter or darker than shown in the photo.
  9. Pay no attention to any markings that may appear on the photos, or any other difference in the type or style of the photographs. Any markings or differences are not relevant to identification.
  10. Do not discuss with other witnesses what you see, say, or do during this procedure.
  11. After you have had an opportunity to view the photo array, I will ask you the following three questions:
    - i. Do you recognize anyone?
    - ii. If you do, what is the number of the person you recognize?
    - iii. From where do you recognize the person?
  12. I may ask you follow up questions.
- C. Until the information about the identification procedure is documented, the administrator should not comment about the procedure or the next steps in the case. Stray comments that potentially focus a witness' attention to one photo over the others should not be made before, during, or after the procedure.

**V. Administration of a Photo Array / Lineup**

- A. The officer showing the photo array to a witness, when possible, should not be connected with the investigation and have no knowledge of the case or suspect.
- B. The investigator shall remain neutral and shall express no influential information to the witness in an effort to coerce or coach a witness in identifying a suspect. If a witness seeks guidance about whom to pick, the administrator should direct the witness to focus on the array.
- C. The witness should be instructed on how to view the array before being handed the array.
- D. The photo array should be handed to the witness in an envelope, or in a folder, so neither the witness nor the officer can see the pictures. This will avoid the possibility of any inadvertent influence by the administrator.
- E. After being instructed about how to view the array, the witness should view the array in such a way that the witness cannot see the administrator at the time the witness is viewing the photos in the array. If this is not practicable or there are security concerns, the administrator must take care to remain neutral and unobtrusive.
  - 1. Attempt to remain out of the witness' line of sight but within hearing range.
  - 2. Do not crowd the witness nor interrupt their concentration.
  - 3. Do not tell the witness to look at a particular photograph.
- F. The witness should view the array in a location away from things that could influence the witness' identification, such as other evidence in the case, wanted posters about the case, and other information about the suspect.
- G. If the witness makes an identification from the photo array, the witness shall be instructed to mark the appropriate photo sheet by signing their name, and including the time and date of the selection.
- H. Any significant substantive comments or reactions made by the witness at the time of the identification should be written down. The documentation shall state "positive" or "negative" identification results. The witness' physical reactions may also be recorded, such as the witness crying when observing and identifying a suspect.
- I. If the witness is vague with their answer, then the administrator should say, "You said [insert their response here], what do you mean by that?" The response should be documented.
- J. If there are multiple witnesses, a fresh, unsigned photo array must be shown to subsequent witnesses.

- K. Officers shall avoid saying anything suggestive after the identification (e.g. you picked the right or wrong person, etc.). This could have a corrupting effect on all subsequent identifications and result in their suppression.
- L. The witness' statements regarding the identification process should be recorded before talking with the witness about the next steps. The administrator should remain neutral about the identification. The administrator can talk to the witness about how the case will proceed or what the next steps will be.
- M. The witness should be told not to discuss what was said, seen, or done during the identification procedure with other witnesses, nor should the administrator speak to the witness about other identification procedures conducted.
- N. An officer wishing to use the photograph of a person who is in police custody shall first advise the suspect of their right to have an attorney present at the time of the photo array showing. Should the suspect be in custody for an unrelated offense, the suspect does not need to be advised of that right.
- O. The photo array must be preserved in the original form it was shown to each witness. One copy should be placed into evidence, and one copy should be attached to the report.
- P. The identification procedure shall be properly documented in a criminal report, and the photo documentation form shall be attached.

#### **VI. Physical Lineup**

When conducting a physical lineup, the above procedures shall apply, when applicable.

#### **VII. Video and Audio Recording of Lineups**

The department does not currently use video or audio recording during lineups.

#### **VIII. Show-ups**

- A. A show-up is the viewing of a single suspect by a witness for the identification of the suspect as the perpetrator of a crime.
- B. Because a show-up carries a higher degree of improper suggestiveness, it should not be used without compelling reasons. Examples of which are listed in C, below.
- C. Considerations before a show-up should be used:
  - 1. The witness or victim must have had the opportunity to view the suspect during the commission of the crime for which they are the witness.

2. The duration of time between the commission of the crime and the identification made by the witness.
  3. The level of certainty demonstrated by the witness in their identification of the suspect.
  4. Could the witness provide a confident description of the suspect prior to the show-up being made.
- D. Officers should be able to articulate a compelling reason as to why a show-up was used in place of a photo or physical lineup. Show-ups are best used when a possible suspect has been detained under investigative detention and the amount of time between the crime and detention is short. If the show-up would not be used to corroborate any other information already available to police (such as vehicle description, suspect description, surveillance photos, other witness statements, etc.), the suspect could be released.
- E. Manner of transport to the show-up
1. Witnesses shall be transported to the location of the show-up in a police vehicle, accompanied by a police officer. The witness shall never be permitted to drive themselves to the location of a show-up. The witness should remain as anonymous as possible.
  2. The officer should position the police vehicle so that the witness has a clear, unobstructed view of the suspect, to include the suspect's clothing, at a safe distance, and in a manner to protect the witness from being observed by the suspect.
  3. In situations where more than one witness is available, each should be transported to the show-up in separate police vehicles and have no contact with other witnesses.
  4. The suspect shall not be transported from the detention location to another location unless uncooperative crowds provide an unsafe environment for the police, witness, or suspect. In no event shall the suspect be transported to the location of the witness or victim.
  5. The transporting officer shall advise the witness that they are being taken to view a person who may or may not have been involved in their incident. Officers should not elaborate on any information that they may have about the person being detained or events leading up to the detention. Additionally, officers shall avoid saying anything suggestive after the identification (example: you picked the right or wrong person, etc.). This could have a corrupting effect on all subsequent identifications and result in their suppression.
- F. Identification during the show-up
1. Witnesses participating in a show-up should be given ample time to make a confident decision regarding the identity of the suspect.
  2. Any significant substantive comments or reactions made by the witness at the time of the identification should be written down. The documentation shall state "positive" or

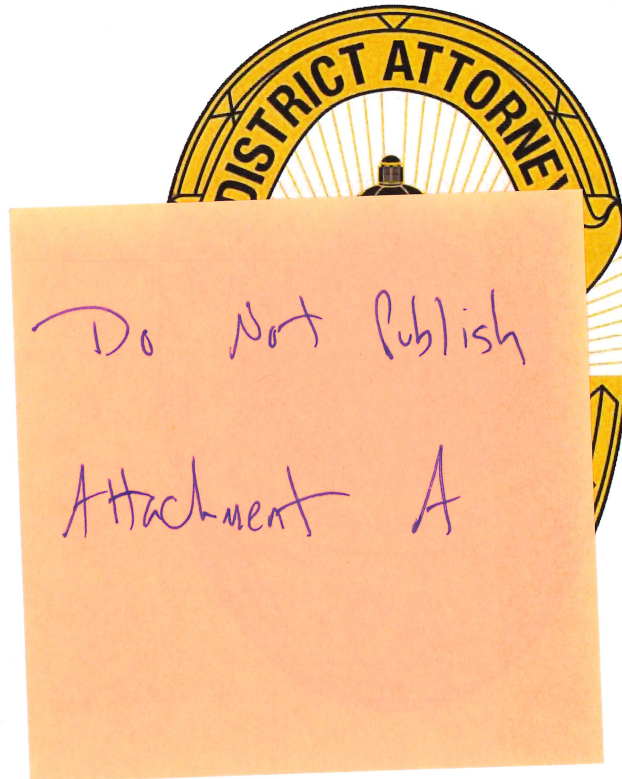
“negative” identification results. The witness’ physical reactions may also be recorded, such as the witness crying when observing and identifying a suspect.

3. If the witness is vague with their answer, then the administrator should say, “You said [insert their response here], what do you mean by that?” The response should be documented.
- G. The officer who administered the show-up shall document the information provided by the witness and the certainty in their supplement.

**IX. Attachments**

- A. Montgomery County District Attorney’s Office Law Enforcement Prosecution Manual
- B. Springfield Township Police Department Photo Identification Procedure Form

**ATTACHMENT A**  
**MONTGOMERY COUNTY**  
**DISTRICT ATTORNEY'S OFFICE**



**LAW ENFORCEMENT**  
**PROSECUTION MANUAL**

**DISTRICT ATTORNEY KEVIN R. STEELE**

*March 2021*