

EV05 - Property Crimes
Session 03 - Principles of Search and Seizure
LD16 - Search and Seizure

Date Revised: 9/24/2019

Course Goal: To teach recruit officers the criminal justice system.

Learning Objective:

- Identify the importance of a peace officer's neutral role during an identification procedure [\[16.6.A\]](#)
- Identify officer actions before, during, and after an identification procedure to prevent impermissible law enforcement suggestiveness when conducting a:
 - Field show-up [\[16.6.B.1\]](#)
 - Photographic spread [\[16.6.B.2\]](#)
 - Custodial lineup [\[16.6.B.3\]](#)

Session Time: 1 Hour

Resources:	
<ul style="list-style-type: none">• Classroom with tables• Overhead projector• Computer with multimedia software and Microsoft PowerPoint	
Session Summary: The instructor will lead a facilitated discussion accompanied with learning activities with the whole class.	
Outline	Instructor's Notes
I. Identification Procedures <ul style="list-style-type: none">A. Introduction to Identification Procedures<ol style="list-style-type: none">1. Purpose is to confirm or eliminate a person as the suspect.2. Undue Suggestivity<ol style="list-style-type: none">a. Officers must not suggest in any way that a person to be observed committed the crime.b. Avoid any suggestive conduct before, during, and after the identification process.	<p>TTS 16.6.A - 16.6.B.3 (1 hour)</p> <p>PowerPoint Slides # 2 - 5</p> <p>Ask When identifying a suspect (doing a field show-up), what kind of information is important to obtain from the victim?</p>
B. General Identification Procedures [16.6.A] <ol style="list-style-type: none">1. Peace officers should always:<ol style="list-style-type: none">a. Obtain detailed description of suspect from victim or witness before I.D. process	<p>Ask What's important to tell the victim prior to showing</p>

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<p>b. Tell the victims or witnesses:</p> <ol style="list-style-type: none">1) They should keep an open mind.2) The person who committed the crime may or may not be among those present.3) Read Field Show-up Admonition per Field Officer's Notebook [LAPD specific] <p>c. Maintain appearance of neutrality before, during, and after process.</p> <p>d. Separate multiple victims and witnesses before and during process.</p> <p>2. Peace officers should never:</p> <ol style="list-style-type: none">a. Make suggestions or lead victims/witnessesb. Tell victims or witnesses that:<ol style="list-style-type: none">1) The person who committed the crime was caught.2) The victim's property or other evidence was found in the suspect's possession.3) The suspect had made incriminating statements.c. Say anything about the suspect to the victims or witnesses before, during, or after the process.d. Allow multiple victims and witnesses to<ol style="list-style-type: none">1) Talk about the identification or2) View the identification process together <p>3. Peace officers should never ask a victim or witness to state on a scale of 1-10 or as a percentage how sure they are that they are certain, as it may give a juror a reasonable doubt about a defendant's guilt.</p> <p>4. Everything that happens should be noted in report including</p> <ol style="list-style-type: none">a. Verbatim account of what the victim	<p>the suspect?</p> <p>[infused LAPD specific]</p> <p>Ask Is it possible to be suggestive or lead the victim? What is important not to tell the victims?</p>
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<p>or witness said</p> <p>b. Description of the victim's or witness' response to viewing the suspect</p> <p>C. Field Show-ups [16.6.B.1]</p> <ol style="list-style-type: none">1. Viewing of a possible suspect by the victim or witness that commonly occurs in the field shortly after a crime has been committed.2. Advantages<ol style="list-style-type: none">a. Victim's or witness' fresh memory of the perpetrator and eventsb. Immediate release of an innocent subjectc. Continuation of a search while the trail is still fresh3. Officer should not move subject to another location, but should transport victim or witness.4. Exceptions to not moving subject:<ol style="list-style-type: none">a. The subject clearly and voluntarily consents to being movedb. Independent probable cause exists to arrest the subject and take the subject into custodyc. It is very impractical to transport a witness to a possible suspect because:<ol style="list-style-type: none">1) Victim or witness is too injured to be moved2) Availability of transporting officers is limited, and the wait would create a greater intrusion on the subject's freedom than transporting the subject5. Subject not entitled to attorney during show-up because it is not considered full custody.6. Without consent or a valid pat down, should avoid searching the subject or subject's vehicle.	<p>Ask What should officers do to avoid implying guilt or</p>
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<p>7. Officers should avoid implying guilt or custody by</p> <ol style="list-style-type: none">Displaying subject outside police vehicle andWithout restraints (when safe). <p>D. Photographic Spreads/Photographic Lineup</p> <p><u>[16.6.B.2]</u></p> <ol style="list-style-type: none">Identification procedure which the victim or witness looks at of photographs to identify the suspect.Does not have to take place shortly after the crime but should be done while victim's or witness' memory is still fresh.Can happen at any location and should be done when the identity of the suspect is not known or is known but not in custody.No form of custody, therefore no attorney for suspect required <p>5. Recommended Procedures</p> <ol style="list-style-type: none">Preparation<ol style="list-style-type: none">Use the most recent photograph of the suspect that is available.Use all color or all black and white photographs.Try to use photographs that are all the same approximate overall size and depict the same approximate shots of the suspect (e.g., all close-ups).Use photographs of suspects of the same sex, race, and similar facial characteristics.If possible, use at least six photographs in the spread. Fewer than five photographs may make the selection impermissibly suggestive by limiting the options.	<p>custody during a field show-up?</p> <p>Ask What should be considered when preparing a photographic line-up?</p>
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<p>6) Record the names, dates of birth, and other identifying information assigned to each photograph separately.</p> <p>7) Cover all identifying information on all photographs (e.g., booking numbers, names, etc.)</p> <p>b. Administration</p> <ol style="list-style-type: none">1) If two or more suspects to identify, use a different photographic spread to identify each suspect.2) Instruct the victim or witness to look at each photograph before making any decision regarding identification.3) Regardless of whether the victims or witnesses select the right or wrong photograph, do not discuss their choice with them.4) Victim or witness should initial the back of the selected photograph or copy of the selected photograph. <p>c. Follow-up</p> <ol style="list-style-type: none">1) Place all photographs in an evidence envelope, seal, initial, date, and place the evidence in storage.2) Copy of the photographic spread should be attached to the report. <p>E. Custodial Lineups/Physical Lineups</p> <p><u>[16.6.B.3]</u></p> <ol style="list-style-type: none">1. Victim or witness to a crime looks at individuals in custodial environment in an attempt to identify the suspect.2. Can take place any time after a crime within a controlled environment of a law enforcement facility.	<p>Ask What if there are two suspects to identify? How should a line-up be prepared?</p> <p>Ask What's important to consider when a victim picks a photo from the line-up?</p> <p>Ask What's should be one when the process is complete?</p> <p>Ask What's important to consider during the preparation of a custodial line-up?</p> <p>[Infused LAPD specific]</p>
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<p>3. Legal Representation</p> <ul style="list-style-type: none">a. Suspect is entitled to an attorney if criminal proceedings have commenced.b. Attorney is only a silent observer. <p>4. Preparation</p> <ul style="list-style-type: none">a. Contact RHD to handle all custodial line-ups.b. Include at least six participants in the lineup, if possible.c. Choose participants of the same race, sex, and with similar characteristics.d. Have all participants in the lineup wear similar clothing.e. Make sure that the others in the lineup also have similar distinctive features and characteristic, if at all possible.f. Alert the victim or witness beforehand if defense attorney may be present and noting all comments they may make during the identification process.g. If defense attorney is present, request prosecutor be present also. <p>5. Administration</p> <ul style="list-style-type: none">a. If suspects refuse to fully participate or cooperate in a lineup, inform them that their resistance may be commented upon in a court as an admission of guilt.b. If voice identification is necessary, have all participants say the same words.c. Regardless of picking the right person, do not discuss choice with victims or witnesses <p>6. Follow-up</p> <ul style="list-style-type: none">a. Document names of all participants in the lineup and all other	<p>Ask What's important to do after the line-up?</p>
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<p>individuals present.</p> <p>b. Take individual photographs of each participant in the lineup and preserve the photos for trial.</p>	
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