



TRAINING BULLETIN

Los Angeles Police Department

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Volume XXXV, Issue 18

July 2003

SHOWUPS AND LINEUPS

There are several identification procedures that police officers may use to substantiate the identity of a suspect. These include showups, photographic lineups and physical lineups. Courts and prosecuting agencies place great emphasis on proper lineup and showup procedures, particularly with respect to the constitutional rights of suspects. The purpose of this Training Bulletin is to provide officers with the procedural guidelines for conducting visual identification of suspects by witnesses and victims.

IDENTIFICATION PROCEDURES

A **showup** is the viewing of a suspect by the victim or witness that commonly occurs in the field shortly after a crime has been committed. A **photographic lineup** is an identification procedure where the victim or witness to a crime is asked to view a number of photographs in an attempt to identify the suspect. A **physical lineup** is the procedure in which the victim or witness to a crime observes a number of individuals within a custodial environment in an attempt to identify the suspect.

Because it is a violation of a defendant's constitutional right to due process to be convicted on the basis of an unduly suggestive identification process, **officers may not suggest in any way** to a victim or a witness that an individual to be observed during an identification process committed the crime. Officers must be careful to avoid any conduct **before**, **during**, and **after** the identification process which might be ruled as suggestive.

A victim or witness will rarely say that they are positive about their identification of a suspect. If officers feel that a victim or witness is certain about their identification, they may ask for confirmation. However, officers **should not** ask them to rate (either on a scale of 1-10 or as a percentage) how sure they are of the identification. Any identification presented as a rating may imply reasonable doubt about a defendant's guilt to a juror.

Everything that occurs during the identification process should be noted in the appropriate report or on the Detective's Case Envelope. This includes a verbatim account of what the victim or witness said, as well as a description of the victim's or witness' response to viewing the possible suspect.

SHOWUPS

A showup held in the field shortly after the incident will benefit everyone. The witness has the suspect's image fresh in mind, so an innocent person is eliminated immediately, and the investigation can continue while the trail is still fresh. However, case law has allowed a field showup to take place up to 22 hours after a crime has been committed.

Since the detention of a suspect for the purpose of identification is not considered full custody, the suspect is not entitled to have an attorney present at the time of the showup. A full search of the detained suspect, or any search of the suspect's vehicle, should be avoided until after there has been a positive identification, or the suspect has consented to the search. A patdown search of the suspect prior to a field showup may be conducted only if there are specific reasons to believe the suspect is armed or dangerous.

The general rule is that an officer who detains a suspect pending a showup should not move the suspect to another location, but rather should transport the victim or witness to the suspect's location. There are three exceptions to this general rule:

1. The suspect clearly and voluntarily consents to being moved; or,
2. Independent probable cause exists to arrest the suspect and the suspect is taken into custody; or,
3. It is very impractical to transport a witness to a suspect because the witness or victim is injured and unable to be moved, or the availability of transporting officers is limited and the wait would create a **greater intrusion** on the suspect's freedom than transporting the suspect.

A one-on-one confrontation between the suspect and witness or victim is automatically suggestive because there is only one person to look at, and the person is already in police custody. Unless there is a reasonable threat to officer safety, officers can reduce the inherent suggestiveness by displaying the detainee outside of the vehicle and without handcuffs or other forms of restraint. However, sometimes it is necessary to restrain, handcuff or place the suspect into a police vehicle. This does not necessarily taint the identification procedures. The victim or witness should be informed that:

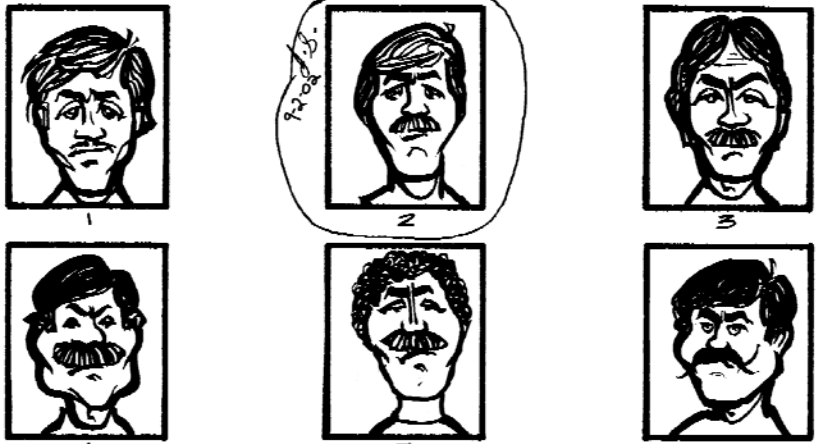
- The person is in temporary custody as a possible suspect only; and,
- Being in police custody does not indicate guilt or innocence; and,
- The purpose is either to eliminate or identify the person as the perpetrator.

PHOTOGRAPHIC LINEUPS

Unlike a field showup, this type of identification does not have to take place shortly after the crime, but should nevertheless take place while the victim's or witness' memory is still fresh. Procedures for conducting photographic lineups are listed on page six.

A photographic lineup may be used when the identity of the suspect is not known, or the identity is known but the suspect is not in custody. Since there is no intrusion on a suspect's time or privacy, the photographic lineup identification process can take place at any location. The suspect is not entitled to have an attorney present at the time of a photographic lineup since there is no form of custody involved. Field officers should not conduct photographic lineups without prior approval from the detective assigned the case.

ROUND THE CLOCK LIQUOR / JOHN SIMPSON / 110 N. LA BREA
DET. WILSON - DET. SMITH / 9-2-02, 1650 HRS / ADMONISHED BY SMITH
#2 LOOKS LIKE THE MAN WHO ROBBED ME. IF I SAW HIM IN PERSON, I WOULD RECOGNIZE HIM. X John Simpson



LAPD 15.50.1

When a suspect's photograph will be shown to a victim or witness for the purpose of identification, it is placed in a Photo Display Folder along with at least five additional photographs depicting persons of similar appearance. The photographs and the people in them must be similar in appearance. Problems can arise if only one picture is in color or Polaroid or a mug shot, etc. Regardless of whether the victim or witness picks the "right" or "wrong" picture, do not discuss their choice with them.

The original Photo Display Folder containing all photographs and photo identification reports used in the photographic lineup is retained in the Detective's Case Envelope for presentation in any subsequent court proceeding. A color copy of the original Photo Display Folder is a valuable reference, and may be obtained by having it copied at Scientific Investigation Division. Copies may also be obtained from the Los Angeles County Regional Identification System.

PHYSICAL LINEUPS

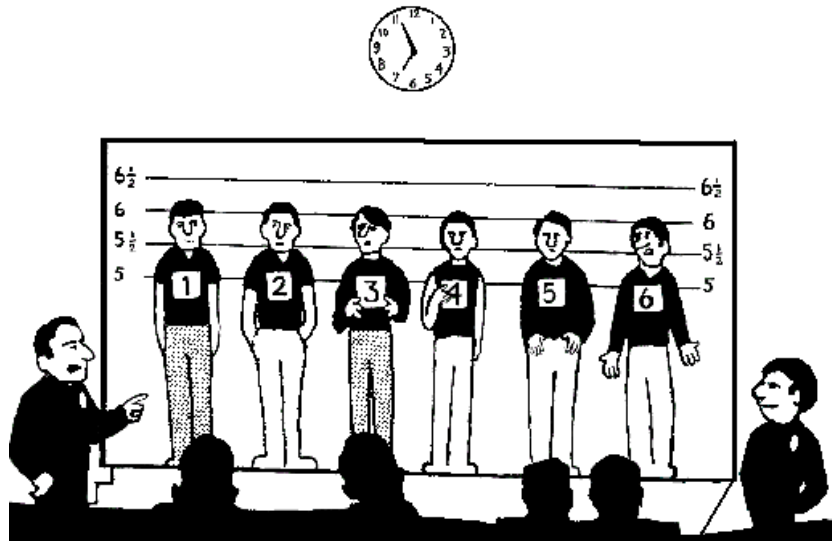
A physical lineup is a relatively formalized procedure wherein a suspect, who is generally already in custody, is placed among a group of other persons whose general appearance resembles the suspect. These "formal lineups" are conducted at the Los Angeles County Men's Central Jail by court order only. Procedures for conducting physical lineups are listed on page seven.

The prosecuting or defense attorney may obtain a court order for a lineup when eyewitness identification is shown to be a material issue and there exists a reasonable likelihood of a mistaken identification, which a lineup would tend to resolve. Court ordered lineups are usually requested by the defense attorney and served upon the investigating detective. An additional companion lineup may also be ordered, if a co-suspect is involved.

When served with a court order requesting a lineup, the detective should immediately contact Robbery Special Section (RSS), Robbery-Homicide Division, for advice and forward them a copy of the court order. The RSS will coordinate and schedule the lineup with the Los Angeles County Sheriff's Department Lineup Detail. **Under no circumstances will a lineup be conducted at any jail facility for a non-arrestee.**

In addition to lineup coordination, RSS also provides the necessary forms and instructs investigating officers, victims and witnesses regarding the lineup. When unusual circumstances require an immediate lineup, contact RSS to make the necessary arrangements.

In the event that an arrestee may have been involved in crimes committed in other jurisdictions, a teletype notification should be sent to the concerned detectives and the concerned outside investigating agencies. Telephonic notifications to these jurisdictions should also be completed to ensure the notification is received.



A physical lineup may take place any time after a crime has been committed. If the physical lineup takes place after criminal judicial proceedings have commenced against the suspect (indictment or first court appearance), the suspect has the right to the presence of an attorney at the lineup. However, the attorney is present only as a silent observer and is not allowed to ask questions or make objections.

When an arrestee's attorney objects to any aspect of the lineup, the attorney is required to make the objection in writing with the original document retained in the lineup file at RSS, and a copy filed in the Detective's Case Envelope.

For lineups which occur **before** judicial proceedings have commenced, RSS notifies the Los Angeles County Public Defender's Office (and the District Attorney's Office) so that an attorney can be present at the lineup.

If an arrestee released on bail has been presented with a court order, RSS will advise the individual to surrender at a designated date and time to the county jail facility where the lineup is to be conducted. The individual will also be advised to bring a copy of the court order and photographic identification to the lineup or be denied admission to the facility.

If the arrestee refuses to fully participate or cooperate in the lineup, the arrestee is informed that the resistance may be commented upon in court as an admission of guilt. If an arrestee refuses to participate, procedures for identifying the arrestee through the use of photographs should be followed. Force should never be used to compel an arrestee to participate in a lineup. The circumstances of a refusal to participate in a lineup should be documented on the Lineup Refusal, Form 12.02 and retained in the lineup file at RSS.

Additional Methods of Identification

Investigating officers should also obtain and view videotapes, digital images, or photographs that have captured a crime in progress and are in the possession of the victim or witness. Request the voluntarily release of these items, and if the victim or witness refuse, **do not seize them**, immediately seek advice from Risk Management Group. A legal process will be necessary to obtain these items. Keep in mind that the victim's family members, and parole or probation officers may be able to identify a suspect from these images.

CONCLUSION

Field showups, photographic lineups and physical lineups, play an integral role in the identification, elimination and prosecution of suspects. Following these guidelines will assist officers in conducting investigations, increase prosecutions and reduce case dismissals.

This Training Bulletin supercedes and cancels, "Line-ups" Vol. XXVI, Issue 5, September 1994, and "Show-Ups" Vol. XV, Issue 3, February 1983.

Field Training Services Unit
Continuing Education Division

Distribution "A"

PHYSICAL LINEUP PROCEDURES AND NOTIFICATIONS

Information to Robbery Special Section (RSS)	Detective Duties	Robbery Special Section Duties
Ø Arrestee's name, booking number, charge and complete physical description.	Ø Notify RSS immediately when a lineup has been requested or ordered by the court to avoid scheduling conflicts.	Ø Coordinate, schedule, and conduct lineups with the Los Angeles County Sheriff's Lineup Detail.
Ø The jail location where the arrestee is being held (City, County, or other outside agency).	Ø Notify both the prosecuting and defense attorneys of the date, time and location of the lineup. Include the names of the attorneys, the date and the time of the notifications on the case folder.	Ø Contact SID Photo Lab and arrange for the lineup to be photographed and obtain the case number.
Ø The division conducting the investigation, the investigating officer's name and assignment.	Ø Notify witnesses, victims, and other jurisdictions regarding the date and time of the lineup.	Ø Provide interpreters as required.
Ø The next court date and number of witnesses.	Ø Notify the jail personnel prior to selecting the lineup if suspect's appearance has changed.	Ø Provide expertise on case law as liaison with attorneys.
Ø Whether an interpreter is needed to translate for the suspect, witness or victim and what language is spoken.	Ø Pick up and transport witnesses to and from the facility where the lineup is held.	Ø Solicit waiver forms as required. Ø Complete refusal forms as required.
Ø Anything unusual required (statements to be made by suspect, wear specific clothing, wear a hat, glasses, oddities, scars, tattoos, etc.).	Ø Pick up and transport arrestee to Inmate Reception, Los Angeles County Men's Central Jail.	Ø Ensure court orders comply with case law. Assist detectives with District Attorney and court to get order corrected, if necessary.
Ø If photos were shown and the suspect's position in the Photo Display Folder.	Ø Attend the lineup.	Ø Advise witnesses of lineup procedures.
Ø A copy of the court order and if known, the name and phone number of the arrestee's attorney.	Ø After lineup, ensure arrestee is transported back to location of detention.	Ø Maintain files with original lineup reports, and 3x5 photo of the lineup, and provide copies to the concerned detective.
Ø Whether or not a companion lineup was ordered.	Ø Note any unusual activities during the lineup on the Detective's Case Envelope.	Ø Provide expert testimony regarding lineup procedures as required.

PHOTOGRAPHIC LINEUP PROCEDURES

Investigating Officer Duties	
Ø	Obtain the suspect's current photograph and at least five additional photographs depicting persons of similar appearance. Ensure the photographs as well as the people in them are of similar size, color and/or black and white.
Ø	Obliterate, remove or cover all markings such as dates, or booking numbers from the photographs and place the photographs in the appropriate Photo Display Folder, Form 15.50.1 or 15.50.2, or Police Bulletin Folder, Form 15.50.3.
Ø	Make a photocopy of the front and back of the Photo Display Folder displaying the suspects.
Ø	Read the photographic lineup admonition printed on the back of the folder to the victim or witness.
Ø	Have the victim or witness sign the admonition acknowledgement on the Photo Identification Report, Form 15.50.4.
Ø	Separate victims or witnesses while viewing the set of original photographs.
Ø	Use the Photo Identification Report to document comments made by the victim or witness when shown the Photo Display Folder.
Ø	Have the victim or witness sign, record the date and time, and comments made in the space provided at the bottom of the report.
Ø	If an identification is made, direct the victim or witness to circle the specific photograph identified and initial and date inside the circle on the photocopy of the Photo Display Folder. Record the date, time, name of the victim or witness, any remarks made by the victim or witness, the officer's name, the partner's name, admonished by (officer's name), and the location where the photos were displayed on the photocopy of the folder. Have the victim or witness then sign and date the photocopy.
Ø	Retain the original Photo Display Folder and Photo Identification Reports in the Detective's Case Envelope, Form 15.15.