


<p><b>RABUN COUNTY SHERIFF'S OFFICE</b></p>  <p>General Order Number: 7.14</p>	<p><b>Date of Issue</b></p> <p>02/23/2016</p>	<p><b>Effective Date</b></p> <p>02/23/2016</p>	<p><b>Revision Date</b></p>
<p><b>Subject: Eyewitness Identifications</b></p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p><b>Index as:</b></p>	<p>State Certification Standards:</p>		

## INTRODUCTION

It is the purpose of this procedure to establish guidelines for the use of eyewitness identifications involving show-ups, photographic identifications and lineups.

Eyewitness identification is a frequently used investigative tool. As such, the Agency has established these procedures in order to maximize the reliability of identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms to established legal procedure.

### I. DEFINITIONS

A. **SHOWUP:** Means an identification procedure in which a witness is presented with a single individual.

B. **PHOTO LINEUP:** Means an identification procedure in which a photograph of a suspect and photographs of fillers are displayed to a witness, either in hard copy form or via computer.

C. **LIVE LINEUP:** Means an identification procedure in which a suspect and fillers are displayed in person to a witness.

D. FILLERS: Means individuals who are not suspects.

E. SUSPECT: Means the individual believed by law enforcement to be the possible perpetrator of an alleged crime.

F. WITNESS: Means an individual who observes an alleged crime.

## II. SHOWUPS

Many courts have suppressed identification evidence based on the use of show-ups because of the inherent suggestiveness of the practice. Therefore, the use of show-ups should be avoided whenever possible in preference for the use of a lineup. However, when exigent circumstances require the use of show-ups, the following guidelines should be followed.

A. Show-ups should not be conducted when the suspect is in a cell, manacled or dressed in jail clothing.

B. Show-ups should not be conducted with more than one witness. The witnesses should not be permitted to communicate before or after the show-up regarding the identification of the suspect.

C. The same suspect should not be presented to the same witness more than once.

D. Show-up suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.

E. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator should be scrupulously avoided.

## III. PHOTOGRAPHIC IDENTIFICATION

In conducting photographic identifications officers should adhere to the following procedures.

A. Photographic identifications must use multiple photographs shown individually to a witness or simultaneously in a book, array or via computer.

B. Principles for conducting lineups generally apply to photo identifications. In particular, officers should:

1. Use at least six photographs of individuals who are reasonably similar in age, height, weight and general appearance and of the same sex and race;
2. Do not mix color and black and white photos, use photos of fillers of the same size and basic composition, and never mix mug shots with other snapshots or include more than one photo of the same suspect;
3. Cover any portions of mug shots or other photographs that provide identifying information on the subject, and similarly cover those used in the array;
4. Show the photo array to only one witness at a time;
5. Never make suggestive statements that may influence the judgment or perception of the witness. The witness will be told that the suspect may or may not be in the photo lineup.
6. Preserve the photo array, together with full information about the identification process in evidence, for future reference.
7. Have an individual, either another officer or civilian employee, who does not know the identity of the suspect conduct the photo lineup.
8. If no other person is available to conduct the photo lineup, then the officer conducting the photo lineup will place the photographs in folders and randomly shuffled and then presented to the witness. The officer conducting the photo lineup will place him/herself in a position so he/she cannot physically see which photograph is viewed by the witness until the procedure is complete.
9. Obtain a written statement in the witnesses own words expressing the confidence level of the identification made by the witness. A numeric reference is not necessary, but rather, a clear statement as to the witnesses' confidence level that the individual or photograph identified is the individual or photograph of the individual how committed the alleged crime.

#### IV. LIVE LINEUPS

A. The primary investigating officer is responsible for:

1. Scheduling the lineup on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel and all witnesses;
2. Fulfill the necessary legal requirements for transfer of the subject to the lineup location should the subject be incarcerated at a detention center, make timely notice to the detention center concerning the pickup and make arrangements for picking up the prisoner; and
3. Make arrangements to have a minimum of four other persons act as fillers at the lineup who are the same race, sex and approximate height, weight, age and physical appearance and who are similarly clothed.

B. The officer in charge of conducting the lineup shall:

1. Ensure that the prisoner has been informed of his/her right to counsel if formal charges have been made against the prisoner, and also ensure that the prisoner has the opportunity to retain counsel or request that one be provided;
2. Obtain a written waiver on the Maranda form should the prisoner waive his/her right to counsel;
3. Allow counsel representing the accused sufficient time to confer with his/her client prior to the lineup and observe the manner in which the lineup is conducted;
4. Advise the accused that he/she may take any position in the lineup that he/she prefers and may change positions prior to summoning a new witness;
5. Ensure that all persons in the lineup are numbered consecutively and are referred to only by number;
6. Ensure that a complete written record and videotape recording of the lineup proceedings is made and retained;
7. Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the lineup;
8. Ensure that not more than one witness views the lineup at a time and that they are not permitted to speak with one another during lineup proceedings; and

9. Scrupulously avoid using statements, clues, casual comments or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.

10. A statement as described in section III B9 will also be completed.

11. Another person, either an officer or civilian employee, who does not know the identity of the suspect, will conduct the live lineup.



By Order of the Sheriff: **Chad K. Nichols**  
**Sheriff, Rabun County**