

**TITLE: LINEUPS/PHOTOGRAPHIC ARRAYS/ONE-ON-ONE LINEUPS**

**CODIFIED:** 60.1  
**EFFECTIVE:** 07/23/04  
**RESCINDS/AMENDS:** P 22.1  
**PAGES:** 3

**PURPOSE:**

The purpose of this directive is to establish guidelines regarding the duties and responsibilities of members of the Santa Fe Police department as they apply to lineups, photographic arrays and one on one lineups.

**DISCUSSION**

It is beneficial to all concerned that procedures exist which provide for the proper identification of suspect(s). This ensures that all suspect identifications are conducted in a professional and consistent manner.

**POLICY**

It is the policy of the Santa Fe Police Department to treat all suspects in a manner that assures their rights in accordance with Constitutional requirements and applicable Supreme Court Decisions. During the course of any investigation, the uniformed officer or detective may find the need for the victim(s) and/or witness(s) to make an identification of a suspect using a lineup, photographic array or one-on-one line-up. When this becomes necessary the following procedures will be used to conduct this identification.

**PROCEDURE**

**LINE UPS**

Lineups are conducted to obtain positive identification of a suspect in a criminal investigation. The victim(s) and/or witness(s) will be allowed

to view persons (including the suspect) in order to make an identification of the suspect.

**60.1.01 CONDUCTING THE LINEUP**

- A. Suspects in custody may not refuse to participate in a lineup. However, certain constitutional safeguards must be followed:
  1. Suspects have a right to have an attorney present.
  2. At least five (5) persons will participate with the suspect in the lineup.
  3. All participants should be of the same sex, similar physical description and attire.
  4. Each participant will be instructed in the lineup procedure.
  5. Each participant will be assigned a numbered position, which may be changed between lineups to assure a positive identification.
  6. Participants will be asked to step forward by using their numbered position. They will each be asked to turn to offer profile and back views for the victim and/or witness.
  7. If verbal identification is necessary, each participant will be asked to say the same phrase.
  8. If necessary, all participants may be requested to repeat certain steps above.
  9. In conducting a lineup the Detective/Officer should avoid making any suggestive statements to the witness, and avoid suggestive circumstances.
  10. In addition, the lineup should be documented photographically as part of the investigation.

**60.1.02 CONDUCTING A LINEUP WHEN SUSPECT IS NOT IN CUSTODY**

- A. If a suspect is not in custody, the suspect may participate voluntarily, or by court order.
- B. In each case the Detective should consider whether this person is to be interviewed.

- C. If an interview is anticipated, it may be necessary to advise suspect of their Miranda Rights.

**60.1.04 NOTIFICATION OF SUSPECTS  
ATTORNEY**

- A. The suspect's attorney will be given at least a half day notice before conducting the lineup. If the suspect's attorney cannot attend and the lineup must be held because of hardship to victims and/or witnesses, efforts must be made to have an attorney present to protect the suspects constitutional rights.
- B. Police personnel are authorized to request that the Public Defender attend the lineup if necessary.

**60.1.05 ATTORNEY'S ROLE DURING THE  
LINEUP**

- A. Attorneys viewing lineups may make comments or suggestions; however, the investigating officer shall remain in charge. The attorney shall not interview victims or witnesses.

**60.1.06 SELECTION OF LINEUP  
PARTICIPANTS**

- A. Volunteers may be asked to participate in a lineup or inmates from the jail may be used to obtain the required number of participants. Under no circumstances will federal prisoners be used and the use of inmates charged with felonies will be avoided.

**60.1.07 EXCEPTIONS**

- A. Lineups will not be held under the following circumstances:
1. A suspect is personally known to the victim or witness.
  2. A suspect has been arrested at the scene of a crime and in the presence of the victim or witness.
  3. The victim or witness apprehended the suspect.

**60.1.08 PHOTOGRAPHIC ARRAYS**

- A. Any photographic array shown by an officer will require a complete report containing the following information.

1. Name of person(s) to whom the array was shown.
2. Name of suspect.
3. Type of identification made (positive, negative or tentative).
4. Name of other persons photographs shown in the photographic array.
5. Use of at least five (5) photos along with suspects.
6. All photographs used in the photographic array will be of persons similar in appearance to the suspect.
7. The Detective/Officer should avoid making any suggestive statements and avoid suggestive circumstances while having a witness view a photographic array.
8. It should be noted that the suspect has no right to counsel prior to using his/her photograph in a photographic array.

- B. In the event identification is made, the officer will ensure that the person making the identification initials each photograph.

1. The photograph that is identified should contain the date, time and signature of the person identifying it.

- C. Once the photographic array has been shown to all victim(s) and/or witnesses and the above requirement has been completed, the photographs will be sealed in an envelope and submitted as evidence to the property room.

**60.1.09 ONE-ON-ONE SHOW-UP  
(IN THE FIELD FOR FELONY OFFENSES)**

- A. When an officer deems it necessary to conduct a one-on-one lineup in the field during an ongoing felony investigation, the following conditions should exist:
1. Must be a reported crime.
  2. The description of the suspect(s) given to police by the victim and/or witnesses must match that of the suspect(s) being detained.

3. The suspect(s) must be found within a reasonable time and distance from the crime scene.
4. Identification of the suspect(s) should be made as soon as possible.
5. The victim or witnesses will be taken to the location of the suspect(s) if the suspect(s) is only being detained.
  - a. The suspect(s) will not be taken back to the scene of the crime because once the suspect(s) have been moved, the suspect(s) might be considered under arrest.
6. A report will be written describing the circumstances and conditions of the one-on-one show-up, including the location of the suspect, his surroundings and the name and location of all other persons present at the time of the identification.
  - a. It should be noted that the suspect(s) should not be handcuffed or placed in the back of a police vehicle except for the purpose of officer safety.
  - b. When this occurs, the officer conducting the one-on-one identification must ensure that the victim(s) and/or witness(s) making the identification understands that this conditions are not meant in any way to indicate that this is the suspect and that these conditions do not influence their identification.
  - c. This situation should be considered the exception and avoided, if possible.
7. In situations where multiple victims and/or witnesses are present, officers will select the appropriate victim(s) or witness(s) to view the suspect(s) based on credibility, degree of involvement, etc., to establish probable cause for making an arrest.
8. All efforts must be made to avoid the appearance of police suggested identification.
9. In addition each witness or victim should view the suspect(s) separately and kept separated through the viewing in order to avoid the appearance of "group" identification.
10. Exceptions must be approved by the on call Assistant District Attorney and will be documented in the report.

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Drafted (awm) 01/03

APPROVED:   
BEVERLY K. LENNEN  
Chief of Police

DATE: 07-23-04