

Waltham Police Department

SHOW-UP IDENTIFICATIONS

CHAPTER 42B

Effective date: 06/2012

Reviewed: 06/2014, 12/2015, 09/2020

Accreditation Standard #: 42.2.12

POLICY:

Show-Up identifications are an important tool in policing. Show-Ups are not inherently reliable and should only be a portion of an officer's decision to arrest, charge, or release a suspect.

Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide.

The courts place heavy restrictions and guidelines on these procedures and adhering to them can be crucial in securing convictions for arrests and prosecutions. These procedures must be adhered to strictly; paperwork completed thoroughly, and circumstances and statements documented.

1. **DECISIONS TO CONDUCT:** One-on-one show-up identifications are inherently suggestive. Officer should assess the circumstances of the situation and determine whether there is sufficient justification to conduct a show-up. Show-ups should be conducted only when good reason or exigent circumstance exists.
 - a. Nature of crime involved and corresponding concerns for public safety.
 - b. Need for efficient police investigation in immediate aftermath of crime.
 - c. Usefulness of prompt confirmation of the accuracy of investigatory information which will allow police to quickly pursue other leads if it is in error.
 - d. **EXIGENCY** - Examples include gravely injured witness, extreme risk to public safety etc. (Not needed if good reason exists). [42.2.12.a]
2. **LOGISTICS OF SHOW-UP:**
 - a. Officers must have reasonable suspicion (which requires a rapid response), probable cause to arrest or consent in order to hold a suspect for a show-up. [42.2.12.a]
 - b. Bring the witness to the suspect unless circumstances prohibit. [42.2.12.b]

- c. If multiple witnesses are to be used, they must be separated and be part of separate show-up procedures. [42.2.12.c]

3. **CONDUCTING THE SHOW-UP:**

- a. Conduct promptly after occurrence of crime while witness's recollection is fresh.
- b. Minimize the impact of visual cues of custody such as removing handcuffs, removing from cruiser and limiting presence of officers (ONLY IF SAFETY PERMITS).
- c. Complete Page 1 of the *Show-Up Advisement Form* (Form 42B) as thoroughly as possible.
- d. Provide the witness with the Advisements on Page 2 of the *Show-Up Advisement Form* (FORM 42B-1).
- e. Check off the Advisements given to the witness. Confirm the witness understands the procedures. [42.2.12d]
- f. Avoid saying or doing anything that may influence the witness. DO NOT tell the witness the police have stopped someone who matches a description. [42.2.12.f]
- g. Use of a cruiser for witness transport is acceptable. [42.2.12.b]

4. **RECORDING THE RESULTS:**

- a. Record the witness's own words of identification or non-identification and any spontaneous comments.
- b. After the witness is finished indicate on (FORM 42B) whether any identifications were made. [42.2.12.g]
- c. Ascertain and document the witness's level of confidence. [42.2.12.e]
- d. Record statements made by other persons present in the presence of the witness during the identification procedure.
- e. Have the witness sign and date the bottom of the identification checklist form. (FORM 42B). [42.2.12.g]
- f. Do not provide the witness with any feedback or comment on the procedure in any way. [42.2.12.f]

5. **FIELD IDENTIFICATION:** With no suspect being held officers may bring a witness to an area the suspect is likely to be found.
- a. Avoid doing or saying anything that may influence the witness.
 - b. Records information on decision to conduct the field identification, such as “good reasons.”
 - c. Transport witness to area where suspect is likely to be found.
 - d. Provide witness with Advisements from the Show-Up Checklist Form (FORM 42B) but tailored to that field situation. **[42.2.12G]**
 - e. Record both identification and non-identification results as well as spontaneous comments in witness’s own words. **[42.2.12G]**
 - f. Record process used and conditions present.
 - g. Complete a Show-Up Identification Checklist in full regardless of result.
 - h. Note on (FORM 42B) that procedure was a field identification.
 - i. Do not provide witness with feedback on procedure in any way.