

## ILLINOIS STATE POLICE DIRECTIVE ENF-028, LINEUP/PHOTO ARRAY/SHOW-UP OF SUSPECTS

<b>RESCINDS:</b> ENF-028, 2011-051, revised 07-18-2011.	<b>REVISED:</b> 10-21-2014 <b>2014-084</b>
<b>RELATED DOCUMENTS:</b> None	<b>RELATED CALEA STANDARDS:</b> 42.2.11, 42.2.12

### I. POLICY

The Illinois State Police (ISP) will establish procedures to be followed when ISP officers conduct a lineup/photo array show-up of persons for victim/witness identification of possible criminal suspects.

### II. AUTHORITY

725 ILCS 5/107A-5, "Lineup and photo spread procedure."

ILL. ADMIN.CODE tit. 92 § 1030.140(b)(3) "Use of Captured Images."

### III. DEFINITIONS

III.A. Lineups/Photo Array – a criminal investigation technique in which the police arrange a number of individuals or pictures before a witness to a crime and ask the witness to identify which, if any, of the individuals committed the crime.

III.A.1. Both lineups and photo arrays should be composed of one suspect and, at a minimum, contain five or more non-suspects.

III.A.2. All persons in the lineup should be of the same general weight, height, age, race, gender, and dressed similarly.

III.A.3. The lineup shall be videotaped or otherwise recorded. Officers will consult with their respective state's attorney in the county in which the crime occurred for his/her preference on how it should be recorded.

III.A.4. Color photographs should be used in photo lineups.

III.B. Show-up - the prompt display of a single suspect to a witness or witnesses.

III.B.1. Compelling reasons for arranging a show-up include, but are not limited to:

III.B.1.a. Suspect matches description provided by witness(es) (i.e. physical, clothing, vehicle).

III.B.1.b. Suspect located in proximity to the scene of the crime.

III.B.1.c. Suspect located within short time after occurrence of crime.

III.B.2. The investigator/officer is required to have a detailed description of the suspect before field identification can be made via the show-up procedure.

III.B.3. Witness(es) should view the suspect(s) in person and only one at a time.

III.B.4. Video and audio will be used in the show-up procedures, if available (marked unit equipped with video/audio).

### IV. PROCEDURES

#### IV.A. Training

The ISP Academy will provide training in identification procedures during Cadet training.

## IV.B. Lineups/Photo Array

- IV.B.1. Witness(es) viewing a lineup should, when possible, provide their own transportation to the location of the lineup.
  - IV.B.1.a. When police transportation is necessary for a witness, an officer or investigator independent of the case should be used.
  - IV.B.1.b. When it is not possible for an independent officer or investigator to transport a witness, the primary investigator must exercise extreme caution to avoid discussing any aspect of the case during the transportation of the witness.
- IV.B.2. Multiple witnesses should arrive at the location of the lineup in separate vehicles. If police transport multiple witnesses, the witness shall be separated during transportation.
- IV.B.3. If more than one witness is to view a photo array/lineup, the following is required:
  - IV.B.3.a. When more than one witness will view the same photo array/lineup immediately subsequent to another witness, the witnesses should view the photo array/lineup separately, in a controlled environment, so a witness cannot influence other witnesses. The witness should be directed not to discuss the viewing of a photo array/lineup with other potential witnesses.
  - IV.B.3.b. If a suspect is to be viewed in a photo array/lineup by multiple witnesses, and the witnesses do not remain under the control of investigators until the viewing is completed by all witnesses, the following is required:
    - IV.B.3.b.1) The order the photographs in a photo array must be changed. The position of suspect in a lineup must be changed.
    - IV.B.3.b.2) Prior to viewing, officers must confirm the witness has not communicated with other witnesses concerning the viewing of a lineup/photo array.
    - IV.B.3.b.3) The witness should be directed not to discuss the viewing of a photo array/lineup with other potential witnesses.
- IV.B.4. Officers administering the lineup/photo array, and any other officer who may be present, will take no action to indicate their feeling of guilt or innocence of the individuals in the lineup/photo array.
- IV.B.5. The officer administering the lineup/photo array will brief the eyewitness(es) on the procedure that will be used and that:
  - IV.B.5.a. The suspect may or may not be in the lineup.
  - IV.B.5.b. The person administering the lineup does not necessarily know which person in the lineup/photo array is the suspect.
  - IV.B.5.c. The eyewitness need not identify anyone; if they do, the identification will be documented by the investigating officer.
    - IV.B.5.c.1) The investigating officer will document the identification procedure on an ISP Field Report, form ISP5-48, or an ISP Investigative Report, form ISP 4-3 (both forms are available in the ISP Document Library at <http://maphome/documentlibrary/>).
    - IV.B.5.c.2) The investigating officer will indicate the eyewitness level of confidence regarding the identification.
- IV.B.6. Following each person's pre-procedure briefing they will sign the completed Line-Up/Photo Spread Advisory Form portion of the Illinois State Police Line-Up Form, form ISP 4-54 (this form is available in the ISP Document Library at: <http://maphome/documentlibrary/>), prior to the actual lineup/photo array viewing.

**NOTE:** Locations using ICase will not complete the paper Field Report or Investigative Report. These locations will enter their information directly into ICase.

- IV.B.7. Unless not practical, the lineup/photo array administrator should be someone who is not aware of which member of the lineup/photo array is the suspect and he/she should never suggest to a witness that the suspect is in the lineup.
- IV.B.8. In person lineups shall be photographed or otherwise recorded and also preserved as evidence.
- IV.B.9. All photographs used in the photo array shall be preserved.
- IV.B.10. The officer in charge of the lineup will be responsible for completing a report of all proceedings including the form ISP 4-54.

**NOTE:** The ISP may use Secretary of State images of a **suspect** in any line-up or photo array. No other images from the Secretary of State Image Database may be used of other subjects pursuant to (ILL. ADMIN. CODE tit. 92 §1030.140(b)(3) "Use of Captured Images"). Photos may be recovered from other agencies (i.e., jails or booking facility databases) to build the line-up or array.

#### IV.C. Show-up

- IV.C.1. Suspects will be transported to the location of witness(es) in a police vehicle.
- IV.C.2. If there is more than one witness, the witnesses will be kept separated and asked to view the suspect individually.
- IV.C.3. Police should never indicate to a witness that the suspect displayed in the show-up is the perpetrator.
- IV.C.4. The officer administering the show-up will brief the eyewitness(es) on the procedure that will be used and that:
  - IV.C.4.a. The suspect may or may not be in the show-up.
  - IV.C.4.b. The person administering the show-up does not necessarily know that the person in the show-up is the suspect.
  - IV.C.4.c. The eyewitness need not identify anyone; if they do, the identification will be documented by the investigating officer.
    - IV.C.4.c.1) The investigating officer will document the identification procedure on an ISP Field Report, form ISP5-48, or an ISP Investigative Report, form ISP 4-3 (both forms are available in the ISP Document Library at <http://maphome/documentlibrary/>).

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- IV.C.4.c.2) The investigating officer will indicate the eyewitness' level of confidence regarding the identification.

| Indicates new or revised items.

**-End of Directive-**