



POLICE DEPARTMENT

EYEWITNESS IDENTIFICATION

OPERATIONAL PROCEDURE #462

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
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Policy Statement

It is the policy of the Johns Hopkins Police Department (JHPD) that eyewitness identifications be conducted in a manner most likely to assess witnesses’ true and reliable recollections in compliance with state and federal constitutional requirements and the eyewitness procedure requirements of MD Code, Public Safety, §3-506.1.

Further, this Directive is intended to reduce misidentifications, improve the reliability of identifications, and establish evidence that conforms to constitutional and statutory requirements. The double-blind identification procedure, in which neither the officer conducting the lineup nor the witness is aware of the suspect’s identity, is the preferred method. If this method is not possible, an alternative technique of “blinded” administration may be used, in which the officer may know the suspect’s identity but cannot see which photograph is being viewed by the witness at a given time (e.g., the folder shuffle method, in which photographs are placed in folders, shuffled, and then handed over to the eyewitness).

Who Is Governed by This Policy

All sworn police officers, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD are governed by this Directive.

Purpose

The purpose of this Directive is to establish guidelines for eyewitness identification procedures using photographic lineups and showups.

Definitions

Administrator:	For purposes of this Directive, the officer conducting an identification procedure.
Blinded Administration:	When the officer knows the suspect's identity but cannot tell which suspect is being viewed at a given time, such as through use of the folder shuffle method.
Confidence Statement:	A witness's statement about their selection and the confidence with which it is made. It is taken immediately after the selection has been made.
Double-Blind Presentation or Lineup:	For purposes of this Directive, the officer (and witness) does not know which photograph or person is the suspect. "Double-blind" is the proper term to use but is often used interchangeably with the term "blind".
Eyewitness:	A person who observes another person at or near the scene of an offense.
Filler:	A person or a photograph of a person not suspected of an offense and included in an identification procedure.
Identification Procedure:	A procedure in which an array of photographs, including a photograph of a suspect and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness in hard-copy form or by computer for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.
Member:	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
Perpetrator:	For purposes of this Directive, a person who committed an offense.
Sequential Presentation:	A display of photographs or persons one at a time, where the officer retrieves one before presenting another.
Showup:	The presentation of a live person in the field who is close in time and proximity to the incident under investigation.

Procedures

The core objectives of these procedures are to ensure constitutional rights by improving the ability of law enforcement officials to act appropriately during eyewitness identifications.

I. General

- A. Instructions to witnesses shall be read from the eyewitness identification form(s), which shall also include a witness's affirmation of their confidence statements.
- B. All eyewitness identification procedures shall be audio- or video-recorded, either via body-worn camera or on interview room recording systems. Presentations, forms, and video records shall be treated as evidence, with documentation included in the investigative file, whether the witnesses made identifications.
- C. If a photo lineup is developed electronically, the lineup shall be printed for documentation. Officers shall provide a written justification for using photographic presentation other than a double-blind or blinded presentation.
- D. **Obtaining a Description of the Perpetrator:** Prior to any photographic lineup, officers shall record a thorough description of the perpetrator from each eyewitness, taken separately for each eyewitness, in their own words.
- E. **Witness Instructions:** Prior to the start of the identification procedure, the officer shall read instructions to the witness. Specific instructions for photographic lineups and showups are included on the forms. The witness shall sign the form to indicate that they understand the instructions.
(Commission on Accreditation for Law Enforcement Agencies (CALEA) 42.2.9.d)

II. Photographic Lineup (CALEA 42.2.9)

- A. **Organizing a Sequential Photographic Lineup:** When organizing a sequential photographic lineup, officers shall adhere to the following:
 - Include only one suspect in each identification procedure, with a minimum of five fillers. (CALEA 42.2.9.a)
 - Fillers shall match the witness's description of the perpetrator in significant features, including any unique or unusual features. (CALEA 42.2.9.a)
 - All photographs shall be contemporary and similar in size. There should be consistency in personal features across all pictures.
 - The photographs shall be numbered.

- The photographs shall be presented sequentially.
- When conducting a single lineup for multiple witnesses, the procedure for multiple eyewitnesses in Section IV.C of this Directive should be followed. (CALEA 42.2.9.c)
- If a subsequent photographic lineup is necessary for any witness who has previously viewed a photo lineup in connection with the offense, contact the Office of the State's Attorney for Baltimore City prior to conducting the photographic lineup. At minimum, different fillers and a different suspect photograph shall be used.

B. Conducting a Photographic Lineup: A blind administrator, e.g., an officer who does not know the suspect's identity, should conduct the procedure. If that is not practicable, a blinded administration technique such as the folder shuffle may be used (see below for details).

- Before the presentation, read aloud to the witness the instructions on the form for photo lineups, ensuring they understand the instructions.
- Use the following sequential presentation:
 - The officer shall display the photographs to the witness by replacing one photograph with another so that no two are presented at the same time.
 - The officer shall present each photograph to the witness, even if the witness identifies a previous photograph as the suspect.
 - At the request of the witness, the officer may present the photographs again; each photograph must be presented, and they must be presented sequentially.
 - After each photograph is presented, ask if the witness recognizes the person. Even if the witness identifies a previous photograph as the suspect, present each photograph in the series.
 - At the request of the witness, the officer may present the photographs one more time.
- If an identification is made, record a statement of confidence on the form, which shall be signed by the witness. (CALEA 42.2.9.e)
- The administrator is prohibited from providing the witness any feedback. (CALEA 42.2.9.f)

C. Blind Administration: Should the investigating officer of a particular case be the only JHPD sworn member available to conduct a photo lineup, and if approved by a supervisor, the following process should be followed:

- Use 1 suspect photograph that resembles the description of the perpetrator provided by the witness, 5 filler photographs that match the description, and 10 folders (4 of the folders will not contain any photos and will serve as “dummy folders”).
- Affix 1 filler photo to folder 1 and number the folder.
- The individual administering the lineup shall place the suspect photograph and the other 4 filler photographs into folders 2–6 and shuffle the photographs so that they are unaware of which folder the suspect is in, then number the remaining folders, including folders 7–10, which will remain empty (this is done so that the witness does not know when they have seen the last photo).
- If available, instead of the folder shuffle method, an administrator may use an automated computer program that prevents the administrator from seeing which photos the eyewitness is viewing until after the identification procedure is completed as a blinded identification procedure.
- Before the presentation, read aloud the instructions on the form to the witness for photo lineups, ensuring they understand the instructions.
- Without looking at the photo in the folder, the administrator is to hand each folder to the witness individually. Each time the witness has viewed a folder, the witness should indicate whether or not this is the person they saw and the degree of confidence in this identification, then return the photo to the administrator. The order of the photos should be preserved in a facedown position to document.
- The administrator should then document and record the results of the procedure, including the order of the folders used.
- If an identification is made, record a statement of confidence on the form for photo lineups, which shall be signed by the witness.
- The administrator is prohibited from providing the witness any feedback.
 - NOTE: The investigating officer should only conduct a blinded photographic lineup as a last resort. All efforts should be made to have the photographic lineup conducted by a blind administrator, including having a supervisor, a commander, or an off-duty officer come in to administer the photographic lineup, prior to resorting to the blinded process.

III. **Officer Showups** (CALEA 42.2.10)

Prior to conducting any showups, consider if a photo lineup can be conducted instead as a blinded photo lineup, which is the preferred identification procedure. However, when circumstances, such as an active threat, require the prompt display of a suspect to the witness, the following guidelines shall be followed. (CALEA 42.2.10.a)

- A. Showups shall be conducted only when the suspect is detained within a reasonably brief time following the offense. (CALEA 42.2.10.a)
- B. The witness shall be transported by a member of the JHPD to the suspect's location, whenever possible. (CALEA 42.2.10.a)
- C. Presentations shall be audio- or video-recorded.
- D. Prior to the presentation, read aloud to the witness the instructions on the form for showups, ensuring and documenting that they understand the instructions. (CALEA 42.2.10.d)
 - Officers shall avoid suggestive words or conduct, such as presenting the suspect in handcuffs, from the backseat of a patrol car, or being physically restrained by police.
- E. Separate witnesses to avoid communication among them, and obtain a thorough description of the suspect from each witness separately prior to the showup. A suspect shall only be viewed by one witness at a time, out of the presence and earshot of other witnesses. (CALEA 42.2.10.c)
- F. If an identification is made, record a statement of confidence on the form for showups, which shall be signed by the witness. (CALEA 42.2.10.e)
- G. The administrator is prohibited from providing the witness any feedback.

IV. **Witnesses Confidence** (CALEA 42.2.9.e, 42.2.10.e)

- A. Regardless of the type of identification procedure employed, if an identification is made, the officer shall ask the witness immediately for a statement of confidence in their selection in their own words.
- B. The statement shall be documented by the officer and signed by the eyewitness.
- C. **Multiple Eyewitnesses:** When there are multiple eyewitnesses, the identification procedure shall be conducted separately for each eyewitness, and:
 - The eyewitnesses may not be allowed to communicate until all identification procedures are completed. (CALEA 42.2.9.e)

V. Documenting the Identification Procedure (CALEA 42.2.9.f, 42.2.10.g)

- A. The identification procedure shall be audio- or video-recorded.
- B. In addition, the administrator shall make a written record of the identification procedure that includes the following information, which shall be treated as evidence in accordance with JHPD Directive #467, Evidence Collection & Preservation:
 - Name of the administrator and eyewitness
 - Date and time of the identification procedure
 - Names and sources of fillers used in photo lineups
 - In a photo lineup, any eyewitness identification of a filler
- C. All identification and nonidentification results obtained during the procedure, including witness confidence statements, shall be signed by the witness.
- D. If a photo lineup is developed electronically, the lineup shall be printed for documentation.

VI. Training

- A. All JHPD officers shall receive initial training regarding this Directive, including the proper administration of photographic lineups and showups.
- B. Annually, police officers will receive refresher training on this Directive through a scheduled review using PowerDMS.

Policy Enforcement

Enforcement	The JHPD is responsible for enforcing this Directive. The Public Safety Accountability Unit (PSAU) investigates suspected violations and may recommend disciplinary action, including termination or dismissal in accordance with any applicable university policy or process.
Reporting Violations	Suspected violations of this Directive should be reported to PSAU or using the online form .

Related Resources

University Policies and Documents
Operational Procedure #460, Criminal Investigations
Operational Procedure #467, Evidence Collection & Preservation

External Documentation
Police Department Forms and Systems

Contacts

Subject Matter	Office Name	Telephone Number	Email/Web Address
Policy Clarification and Interpretation	Policy Management	(667)306-8618	jhpdpolicyinquiry@jh.edu