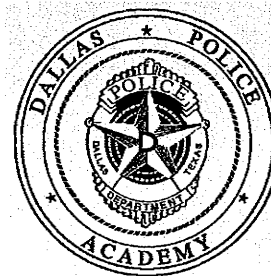


# ROLL CALL

## TRAINING BULLETIN

### #2008 – 27



Date: 11/24/08

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### ONE PERSON SHOW-UP

#### Definition

A "Show-Up" is the presentation of one suspect to a victim or eyewitness within a short time frame after the commission of a crime. This process is allowed under the law if the following criteria are present:

- If the suspect is apprehended within a short time period and the "show-up" is conducted within a short window of time.
- If the suspect is apprehended at or near the crime.

Even when the criteria is met and it is determined that a "show-up" is necessary and appropriate, courts will determine the propriety and accuracy of the identification by examining the following criteria:

- The witness' opportunity to view the suspect at the scene of the crime.
- The degree of attention paid to the suspect by the witness.
- The accuracy of the description provided to the police prior to the "show-up".
- The witness' level of certainty as demonstrated at the one-on-one confrontation and,
- The length of time between the crime and the "show-up"

#### Philosophy

While allowing a crime victim or witness to view a potential suspect in a one person "show-up" can sometimes be necessary to establish probable cause for an arrest, it can be suggestive in nature and should only be used in very limited circumstances. Specifically, use of this process should be limited to those circumstances in which there is insufficient probable cause for an arrest or long term detention, and there are public safety concerns if the suspect were to be released without attempting the identification.

#### Policy

If probable cause exists to make an arrest for the offense in question, or for an unrelated charge or warrants that will result in detention at the Lew Sterrett jail, the one person "show-up" process will not be used. When the current investigation involves a felony offense the On-Call detective of the Division who has investigative responsibility will be contacted and consulted. This consultation will be regarding what action will be taken prior to the possible suspect being placed in jail. In misdemeanor cases where the subject is arrested on unrelated charges, the possible suspect information will be forwarded to the appropriate investigative unit that has follow up responsibility.

When there is insufficient probable cause to secure the arrest of a suspect and there are public safety concerns if the suspect were to be released without attempting identification, the show-up procedure may be used. In these cases the following policy must be followed:

- A Sergeant must respond to the scene and supervise the process.
- Officers will attempt to gain consent from the suspect to be transported for an interview. If consent is given, the suspect will be transported to the investigative division with follow-up responsibility.

For offenses that occur after business hours, the suspect will be transported to the Fusion Center for an interview.

- If the suspect refuses to be transported, the supervisor will contact the Watch Commander to obtain approval to conduct a show-up identification.
- The supervisor will further direct the process to ensure:
  - That the suspect was located near the crime scene and detained no more than 30 minutes before the show-up is conducted and no longer than 2 hours after the offense occurred.
  - That the witness or victim has provided a detailed description of the suspect and that the person to be placed in the show-up fits the provided description.
  - That whenever possible, the witness should be transported to the detained suspect's location rather than bringing the suspect to the witness's location or crime scene. This procedure will limit the legal impact of the suspect's detention and eliminate the possibility of crime scene contamination.
  - That when the witness requests/or is concerned about possible retaliation, officers should attempt to conceal the witness during the show-up procedure.
  - That an attempt to obtain a verbal consent from the suspect is made. A consent from the suspect is not required but should be obtained if possible.
  - That an admonishment is provided to the witness prior to the show-up **that the person to be viewed may or may not be the offender and that the investigation will continue regardless of whether or not an identification is obtained.**
  - That if there are multiple witnesses and one witness makes an identification during the show-up; further show ups will not be done. (Other identification procedures will be used for the remaining witnesses)
  - That the show-up is limited to one witness at a time and that witnesses have been separated and are not present when another witness is viewing the show-up.
  - That the procedure is completed in such a manner to avoid suggestiveness, avoiding any statements suggesting that we have "apprehended the suspect" or have "who we think is responsible".
- Although it is not improper to have the potential suspect in a police vehicle and handcuffed if necessary for safety, it is preferred that the suspect is unhand cuffed and outside of any police vehicle.
- At the conclusion of the process, the supervisor will be responsible for completing a "show-up" documentation form on all uses of this process. A copy of the form must be faxed to the Criminal Investigations Bureau Commander and the original forwarded through the sergeant's chain of command to the Division that has the investigative responsibility.
- The documentation form can be located and copied from the N-drive from the Eye Witness Identification Folder.

If you have any questions concerning this bulletin please contact Lt. David Pughes (214) 671-3930