



**Las Cruces Police Department  
GENERAL ORDERS  
FIELD OPERATIONS VOLUME 2  
GO-217 LINE-UPS AND SHOW-UPS  
Revised 5/13/2005**

**217 LINE-UPS / SHOW-UPS**

**DISCUSSION**

Eyewitness identification is a tool law enforcement frequently uses while investigating crimes. Care must be taken to ensure its integrity.

**POLICY**

Officers shall adhere to the procedures set forth in this General Order to maximize unjust accusations of innocent persons and to establish evidence that is reliable and conforms to established legal procedure.

**217.01 DEFINITIONS**

**Show-up** – The presentation of one suspect to an eyewitness in a short time frame following the commission of a crime.

**Photo Array** – The showing of several photographs to an eyewitness for the purpose of obtaining an identification.

**Line-up** – The presentation of a number of individuals, including the suspect, simultaneously before an eyewitness, either by photographs or actual persons.

**217.02 SHOW-UPS**

Courts have suppressed identification evidence based on the use of show-ups because of their inherent suggestiveness. A show-up is justified when there are doubts as to the identification of a perpetrator of a crime which needs to be resolved promptly. Then a show-up should be conducted only if:

1. A witness had a reasonable opportunity to observe the suspect during the commission of the crime; and
2. The witness has given a reasonably detailed description of the suspect by height, weight, hair color, complexion and clothing appearance.

If probable cause exists for the arrest of a suspect than he / she may be arrested and then viewed by witnesses. If probable cause for an arrest does not exist, and if the officer has reasonable suspicion that the person may be the perpetrator, then a temporary detention is



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justified. Show-ups will be conducted in the field only, within a reasonable amount of time after the commission of the crime currently being investigated, and detention for a person to be viewed who is not under arrest, should be no longer than 20 minutes. Additional guidelines for show-ups are as follows:

1. Show-ups will not be conducted when the suspect is at the station or while confined in a holding cell, manacled or dressed in jail clothing.
2. Show-ups will not be conducted with more than one witness present at a time. If more than one witness is to view an individual in a show-up, the witnesses should not be permitted to communicate either before or after the show-up and will be kept separated.
3. The same suspect should be presented to and viewed by the same witness more than one time.
4. Show-up suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
5. Officers should not speak any words or conduct themselves in manner in any way that would suggest to a witness that the individual being viewed may or may not be the perpetrator involved.

**217.03 PRINCIPLES FOR CONDUCTING PHOTOGRAPHIC ARRAYS**

The principles for conducting live line-ups generally apply to photographic arrays, also called “Six Packs”. The following guidelines will be used when building a photographic array:

1. At least six photographs of individuals who reasonably resemble each other in age, height, weight and general appearance, and who are of the same sex and race.
2. Never mix color pictures with black and white pictures, digitally printed pictures with glossy processed pictures, or mug shots with other non-mug shot pictures. Always utilize pictures of the same size and basic composition, and never include the suspect, even though a second photograph may be a picture of a different time and place, in a photographic array more than once.
3. Cover any portions of a mug shot or other photographs, which provides identification information on the subject, and cover those used in the array. If one photograph has a



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special covering over this information, then the remaining photographs shall have the same covering over them as well.

4. When presenting a photographic array to witnesses, show only one witness the array at a time, and separate the witnesses during the viewing, not allowing them to communicate to each other either before, during, or after the array viewing.
5. Never make any comments or conduct yourself in a manner which would suggest that a particular person may or may not be the suspect sought, or which would influence the judgment or prejudice the witness' decision.
6. A separate sheet of paper should be utilized by the witness, or if a computer printed printout is utilized, the back side of the array, for the witness to explain in their own words whether or not they recognize anyone in the array as having been associated in the crime committed. Their signature will appear under their statement along with the time and date of the viewing.
7. The photographic array will be preserved along with all information concerning the identification process, for future court proceedings, by submitting the array and the supplemental documentation, when finished, into evidence.
8. This policy does not prohibit the use of showing loose photographs, however, if this is done, care will be taken to ensure that all photographs are similar in size, make-up and contain the same special coverings over information.
9. Under no circumstances may any physical evidence taken from suspect to be viewed, be shown to a witness for identification before completing an identification procedure. All steps must be taken to ensure a fair identification process, and if circumstances of an arrest are known to a witness or the fact that evidence was seized may create a suggestive atmosphere.

**217.04 LIVE LINE-UPS**

Live line-ups occur whenever a suspect is placed in a live group of individuals, and then the entire group is presented to witnesses for viewing. This line-up procedure shall be videotaped and / or photographed, with videotaping being the preferred method. Live line-ups are rare in occurrences because of the difficulty in obtaining similarly looking individuals together at the same time. If the line-up could be done by photographs, this method should be utilized if at all possible.



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This procedure is a very complex and officers wishing to conduct a live line-up shall contact CIS for assistance. All live line-ups will be conducted in the adjacent classroom to CIS offices, as the room lighting and a second office within CIS, are setup for live line-ups. The following procedures will be adhered to:

1. The number of subjects to be viewed by a witness in a live line-up will be no less than six.
2. Each subject will be similar looking to each other, in relation to height, weight, hair color, hair length, size, facial hair, race and sex.
3. If a live line-up is conducted after an arrest of a suspect, and after either his / her initial appearance or arraignment, the defense counsel shall be present during the line-up, along with the Assistant District Attorney assigned to the case or his / her designee.
4. Witnesses will not be allowed to communicate with each other prior to, during or directly after their viewing of the line-up.
5. Each witness will record on a sheet of paper, separate from the other witness's recordings, in their own words, if any of the subjects viewed matched, resembled or were not the subject. These comment sheets shall be entered into evidence for safe keeping.

**217.05 RESPONSIBILITY**

The primary officer or detective / case agent will be responsible for building any photographic arrays, scheduling live line-ups, and ensuring show-ups are done properly. However, the showing of, or conducting of the line-ups or show-ups may be delegated to other officers or detectives.