



2-67 LINEUPS AND FIELD IDENTIFICATIONS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 2-82 Restraints and Transportation of Individuals (Formerly 2-19)

B. Form(s)

- PD 1336a Photographic Identification Form
- PD 1336b Photographic Identification Form Master Name Index

C. Other Resource(s)

- NMSA 1978, § 29-3B-3 Eyewitness Identification Procedures

D. Rescinded Special Order(s)

None

2-67-1 Purpose

The purpose of this policy is to ensure that the Albuquerque Police Department (Department) personnel comply with NMSA 1978, § 29-3B-3 Eyewitness Identification Procedures.

2-67-2 Policy

It is the policy of the Department for sworn personnel to follow procedures and rules derived from the Accurate Eyewitness Identification Act when conducting field identifications and lineups during an investigation.

N/A 2-67-3 Definitions

A. Administrator

An officer who conducts a photo or live lineup.

B. Blind

The Administrator does not know the identity of the individual suspected of committing a crime.

C. Blinded



The Administrator may know who the suspected individual is but does not know which individual in the lineup is being viewed by the eyewitness.

D. Eyewitness

A person who observes an individual at or near the scene of an offense.

E. Field Identification

An identification procedure in which an eyewitness is presented with a single suspected individual for the purpose of determining whether the eyewitness identifies this individual as the perpetrator. A field identification may also be known as a "showup".

F. Filler

A person or photograph of someone who is not suspected of committing a crime is included in an identification procedure.

G. Folder Shuffle

A photographic array method involving placing photographs in individual folders, shuffling their order, and allowing the witness to open each folder so that the Administrator cannot see which photograph the witness is viewing.

H. Individual

A person believed by law enforcement to be the possible suspect of a crime.

I. Live Lineup

An identification procedure in which a group of persons, including the individual suspected of committing an offense and other persons not suspected of committing the offense, are displayed to an eyewitness to determine whether the eyewitness identifies the suspected individual.

J. Photo Lineup

An identification procedure where an array of photographs, including photographs of the suspected individual and photographs of other persons who are not suspected of committing the crime, are displayed to an eyewitness. The photographs are displayed in either hard copy form or via computer to determine whether the eyewitness identifies the suspected individual. A "photo lineup" may also be known as a "photographic array".



A. Photo Lineups (Photographic Array)

1. The Administrator of a photo lineup shall:

- a. Use the Photographic Identification Form and the Photographic Identification Form Master Name Index when administering a photo lineup;
- b. Compose the photo lineup so that the fillers generally resemble the eyewitness's description of the individual and so the individual does not unduly stand out from the fillers;
- c. When practicable, ensure that the photograph of the individual to be used in the photo lineup is current and resembles the individual's appearance at the time of the offense;
- d. Present separate photo lineups when there are multiple eyewitnesses, ensuring that they place the individual in a different position for each identification procedure;
- e. Use the folder shuffle method;
 - i. The Administrator shall only provide the witness with one (1) folder/photograph at a time.
- f. Use at least five (5) fillers in a photo lineup;
- g. Be blind or blinded when performing the photo lineup;
 - i. A blind Administrator is a preferred method for this identification.
 - ii. A blinded Administrator shall only be used if finding a blind Administrator is not feasible.
- h. Provide the eyewitness with instructions that minimize the likelihood of an inaccurate identification; and
 - i. The Administrator shall inform the eyewitness that the individual suspected of committing the offense may or may not be in the identification procedure and that the investigation shall continue regardless of whether or not they make an identification.
 - i. Minimize factors that may influence an eyewitness to identify an individual or affect the eyewitness's confidence level in identifying the individual during a photo lineup.
 - i. The factors may include, but are not limited to verbal or nonverbal statements or reactions from the Administrator.

6

N/A

2. Exceptions to the Administration of a Photo Lineup

- a. Administrators shall not conduct photo lineups for the following circumstances, including, but not limited to:
 - i. When the individual is personally known to the victim or witness(s);
 - ii. When the individual has been arrested at the scene of a crime and while in the presence of the victim or witness(s); or
 - iii. When the victim or witness(s) have apprehended the individual.

B. Live Lineups



1. The Administrator of a live lineup shall:

- a. Have the approval of an on-duty supervisor before conducting a live lineup;
- b. Use at least four (4) fillers;
- c. Be aware that if the individual has already been charged with a crime that they have the right to the presence of legal counsel during a live lineup;
- d. Present separate live lineups when there are multiple eyewitnesses and ensure that they place the individual in a different position for each identification procedure;
- e. Present lineup members one (1) at a time; and
- f. Be blind or blinded when performing the live lineup.
 - i. A blind Administrator is a preferred method for this identification.
 - ii. A blinded Administrator shall only be used if finding a blind Administrator is not feasible.

6

2. The Administrator of a live lineup shall not:

- a. Detain any individual without reasonable suspicion to believe they have been, are, or are about to engage in criminal activity; or
- b. Conduct a live lineup involving more than one (1) individual before briefing an on-duty supervisor of the circumstances necessitating a live lineup.

C. Field Identifications (Showup)

1. The Administrator for a field identification shall:

- a. Only conduct a field identification when the immediate display of an individual to an eyewitness is necessary;
 - i. The Administrator is permitted to use a field identification if they feel it may strengthen their probable cause for arrest and/or benefit a successful prosecution.
 - ii. The Administrator shall not use a field identification if independent probable cause exists to arrest a suspected individual, and eyewitnesses can later identify the individual through a photo lineup.
- b. Administer the field identification procedure close in time, or in a reasonable amount of time, to the commission of the crime;
- c. Transport the eyewitness to a neutral, non-law enforcement location where the individual is being detained;
- d. Remove the individual from the law enforcement vehicle when applicable;
- e. When feasible, present the individual so that if they are handcuffed, the handcuffs are not visible to the eyewitness;
- f. Request the exact time from the Emergency Communications Center (ECC) Dispatcher immediately after conducting the field identification; and
- g. Minimize factors that may influence an eyewitness to identify an individual or affect the eyewitness's confidence level in identifying the individual during a field identification.

N/A



N/A

- i. The factors may include but are not limited to verbal or nonverbal statements or reactions from the Administrator.

6

D. Documentation

- 1. For documenting and preserving evidence, the Administrator of a photo lineup, live lineup, or field identification shall:

N/A

- a. Video record the entirety of the photo lineup, live lineup, and, when practicable, the field identification procedure, consistent with SOP Use of On-Body Recording Devices (refer to SOP On-Body Recording Devices for sanction classifications and additional duties);

N/A

- b. Tag all photographic documentation of photo lineup members and recordings for field identification of individuals, as well as all descriptions provided by the eyewitness of the individual into evidence, consistent with SOP On-Body Recording Devices (refer to SOP On-Body Recording Devices for sanction classifications and additional duties); and
- c. Document the following in their Uniform Incident Report:
 - i. The circumstances under which a field identification was warranted;
 - ii. The description of the individual provided by the eyewitness;
 - iii. A description of the circumstances under which the eyewitness saw the individual;
 - iv. The time of day and length of time the individual was seen;
 - v. The perceived or actual distance from the eyewitness to the individual;
 - vi. The lighting conditions;
 - 1. The Administrator shall document this for both field identifications and photo lineups.
 - vii. The time the field identification was conducted; and
 - viii. A clear statement from the eyewitness in their own words at the time of identification as to their confidence level that the individual identified is the individual who committed the offense.



2-67 LINEUPS AND PHOTOGRAPHIC ARRAYS AND FIELD IDENTIFICATIONS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 2-82 Restraints and Transportation of Individuals (Formerly 2-19)

B. Form(s)

- PD 1336a Photographic Identification Form
- PD 1336b Photographic Identification Form Master Name Index

C. Other Resource(s)

- ~~N.M. Stat. Ann. MSA~~ 1978, § 29-3B-3 Eyewitness Identification Procedures

D. Rescinded Special Order(s)

None

2-67-1 Purpose

The purpose of this policy is to ensure that the Albuquerque Police Department (Department) ~~personnel are in compliance with Eyewitness Identification Procedures of the Accurate Eyewitness Identification Act (N.M. Stat. Ann. § 29-3B-3).~~ NMSA 1978, § 29-3B-3 Eyewitness Identification Procedures.

2-67-2 Policy

It is the policy of the Department for sworn personnel to follow procedures and rules derived from the Accurate Eyewitness Identification Act when conducting field identifications and ~~during the presentation of a photographic array~~ lineups during the course of ~~an~~ investigations.

EN

2-67-3 Definitions

A. Administrator

~~For the purposes of this policy, a~~ An officer who conducts ~~sworn officer personnel who conducting a photo lineup or live lineup.~~

B. Blind

~~For the purposes of this policy, means~~ The ~~Administrator does not know the identity of the~~ the individual suspected of committing a crime ~~suspect.~~



C. Blinded

~~For the purposes of this policy, means~~ The Administrator may know who the suspected individual is but does not know which individual in the lineup member is being viewed by the eyewitness.

D. Eyewitness

A person who observes another individual at or near the scene of an offense.

E. Field Identification

An identification procedure in which an eyewitness is presented with a single suspected individual for the purpose of determining whether the eyewitness identifies this individual as the perpetrator. A field identification may also be known as a "showup".

~~E.~~ Filler

F.

~~Either a~~ A person or ~~a~~ photograph of ~~a person~~ someone who is not suspected of ~~an offense~~ committing a crime ~~and and who~~ is included in an identification procedure.

~~F.~~ G. Folder Shuffle

A photographic array method ~~that~~ involves placing photographs in individual folders, shuffling their order, and allowing the witness to open each folder ~~in such a way~~ so that the ~~officer~~ Administrator cannot see which photograph the witness is viewing. ~~A witness should only look at one (1) folder/photograph at a time.~~

H. Individual

A person believed by law enforcement to be the possible suspect of a crime.

~~G.~~ I. Live Lineup

An identification procedure in which a group of persons, including the individual suspected ~~of committing perpetrator of~~ an offense and other persons not suspected of ~~the committing the~~ offense, ~~is~~ are displayed to an eyewitness ~~for the purpose of to~~ determining ~~determine~~ whether the eyewitness identifies the suspected individual ~~as the perpetrator.~~

~~H.~~ Photo Lineup / ~~Photographic Array~~

J.



An identification procedure in which ~~where~~ an array of photographs, including a ~~photographs~~ of the ~~individual suspected~~ individual perpetrator of committing an offense and ~~additional~~ photographs of other persons who are not suspected of ~~the offense committing the crime,~~ are displayed to an eyewitness. These photographs are displayed in either in hard copy form or via computer ~~for the purpose of to~~ determining whether the eyewitness identifies the ~~individual suspected of committing the offense suspected individual~~ suspect as the perpetrator. A “photo lineup” may also be known as a “photographic array”; ~~for within the Department, this is commonly referred to as a “photographic array.”~~

~~I. Field Identification /Field Identification~~

~~For the purposes of this policy, an~~ An identification procedure in which an eyewitness is presented with a ~~single suspected individual suspected of committing an offense~~ suspect for the purpose of determining whether the eyewitness identifies this individual as the perpetrator. A field identification may also be known as a showup; ~~for within the Albuquerque Police Department, this is commonly referred to as a “field identification.”~~

~~J. Suspect~~

~~A person believed by law enforcement to be the possible perpetrator of the crime.~~

~~2-67-4 Procedures and Rules~~

7

A. Photo Lineups (Photographic Array)

~~A.1. The Administrator for of~~ a photo lineup /photographic array or live lineup shall:

~~Use the Photographic Identification Form and the Photographic Identification Form Master Name Index when administering a photo lineup/photographic array;~~

~~1. Be blind or blinded when performing the live lineup or photo lineup/photographic array. A blind administrator is the preferred method and a blinded administrator should only be used if finding a blind administrator is not feasible;~~

~~2. Provide the eyewitness with instructions that minimize the likelihood of an inaccurate identification, including that the perpetrator may or may not be in the identification procedure and that the investigation shall continue regardless of whether an identification is made. The administrator shall use the Photographic Identification Form and the Photographic Identification Form Master Name Index when administering a photo lineup/photographic array;~~

a.



- ~~1. Compose the photo lineup so that the fillers generally resemble the eyewitness's description of the individual and so ~~that~~ the individual does not unduly stand out from the fillers;~~
- ~~b.~~
- ~~3. Ensure, w~~When practicable, ensure that ~~that~~ ~~the~~ a photograph of the suspect individual who is to be used in a ~~the~~ photo lineup/photographic array is contemporary current and resembles the suspect individual's appearance at the time of the offense;
- ~~c.~~
- ~~4. Present separate photo lineups/photographic arrays and live lineups when there are multiple eyewitnesses, ensuring that they~~ place the same suspect individual ~~is placed~~ in a different position for each identification procedure;
- ~~d.~~
- ~~5. Use the folder shuffle method;~~
- ~~e.~~
 - ~~a. The A~~ administrator shall only provide the witness with one (1) folder/photograph at a time.
 - ~~6. Compose the lineup so that the fillers generally resemble the eyewitness's description of the perpetrator so that the suspect does not unduly stand out from the fillers;~~
 - ~~i.~~
 - ~~7. Use at least four (4) fillers in a live lineup and~~ Use at least five (5) fillers in a photo lineup/photographic array;
 - ~~f.~~
 - ~~8. Be blind or blinded when performing the photo lineup/photographic array or live lineup;~~
 - ~~g.~~
 - ~~i. A blind A~~ administrator is ~~the~~ a preferred method for this identification.
 - ~~9. A blinded A~~ administrator shall only be used ~~by~~ if finding a blind administrator is not feasible.
 - ~~ii.~~
 - ~~10. Provide the eyewitness with instructions that minimize the likelihood of an~~ an inaccurate identification; and
 - ~~h.~~
 - ~~i. The Administrator~~ instructions shall ~~include the information that~~ informing the eyewitness that the suspected individual- suspected of committing the crime offense may or may not be in the identification procedure and that the investigation shall continue regardless of whether or not they make an an identification- is made.
 - ~~ii.~~
 - ~~11. Minimize factors that may influence an eyewitness to identify an individual or affect the eyewitness's confidence level in identifying the individual during a photo lineup.~~
 - ~~i.~~ The factors may include, but are not limited to verbal or nonverbal statements or reactions from the Administrator.

6

6N/



2. Exceptions to the Administration of a Photo Lineup/Photographic Array

~~Administrators shall not conduct photo lineups/photographic~~ for the following circumstances, including, but not limited to:

- a.
 - i. When the individual is personally known to the victim or witness(es);
 - ii. ~~The~~ When the individual has been arrested at the scene of a crime and while in the presence of the victim or witness(es); and
 - iii. When the victim or witness(es) have apprehended the individual.

B. Live Lineups

~~In the rare instance when a live lineup is conducted~~ The Administrator of a live lineup of a live lineup shall:

- a. Have the approval of an on-duty supervisor before conducting a live lineup;
- b. Use at least four (4) fillers in a live lineup;
- ~~Be aware that if the individual has already been charged with a crime that they have the right to the presence of legal counsel during a live lineup;~~
- ~~Have the approval of an on-duty supervisor before conducting a live lineup;~~
- c. ~~Present separate photo lineups/photographic arrays and live lineups when there are multiple eyewitnesses and, ensuring that they place the same suspected individual is placed in a different position for each identification procedure;~~
- ~~In the rare instances where a live line up is conducted:~~
 - a. ~~Not illegally detain any individual without reasonable suspicion to believe the individual(s) has been, is, or is about to engage in criminal activity;~~
 - b. ~~Not conduct a live line up involving more than one (1) individual prior to briefing an on-duty supervisor of the circumstances necessitating the use of a live lineup and must have the approval of a supervisor to conduct a live line up.~~
 - c. ~~If the suspect individual has already been charged with a crime, the suspect individual has a right to the presence of legal counsel during a live line up.~~
- d. ~~Present lineup members one (1) at a time; and~~
- e. ~~Be blind or blinded when performing the live lineup.;~~
 - i. A blind Administrator is a preferred method for this identification.
 - ii. A blinded Administrator shall only be used if finding a blind Administrator is not feasible.
- ~~Document the following in their offense incident and/or Uniform Incident Report or Supplemental Narrative Rnarrative report:~~

6



- ~~— a description of the suspect individual provided by the eyewitness;~~
- ~~— including a description of the circumstances under which the eyewitness saw the suspect individual was seen by the eyewitness;~~
- ~~— The time of day, and the length of time the suspect individual was seen;~~
- ~~— The perceived or actual distance from the eyewitness to the suspect individual;~~
- ~~— and the lighting conditions; and~~
- ~~— A clear statement from the eyewitness in their own words at the time of identification in their own words as to their confidence level that the individual identified is the individual who committed the offense.~~

2. The Administrator of a live lineup shall not:

- ~~— Detain any individual without reasonable suspicion to believe the individual(s) they have has been, is, or is are, or are about to about to engage in criminal activity; and~~

a.

- ~~10. Conduct a live lineup involving more than one (1) individual before briefing an on-duty supervisor of the circumstances necessitating a live lineup; and~~

- ~~11. Seek and document in their offense/incident report Uniform Incident Report a clear statement from the eyewitness at the time of the identification and in the eyewitness's own words as to the eyewitness's confidence level that the person individual identified is the person individual who committed the crime/offense.~~

b.

B. Exceptions to the Administration of Photo Lineup/Photographic Array

- ~~1. Administrators shall not conduct Pphoto lineups/photographic arrays are not appropriate infor the following circumstances, including, but not limited to:~~

- ~~a. A suspect When the individual is personally known to the victim or witness(es);~~
- ~~b. A suspectThe individual has been arrested at the scene of a crime and while in the presence of the victim or witness(es); and~~
- ~~c. When Tthe victim or witness (witness (es) have apprehended the suspectindividual.~~

C. Field Identifications (Showup)

- ~~C.1. The Administrator Ffor afield identifications, the administrator field identification shall:~~

- ~~— Only conduct a field identification when the immediate display of an individual suspect to an eyewitness is necessary;~~

a.

N/A



i. ~~The Administrators are~~ is permitted to ~~utilize~~ use a field identification if they feel it ~~will~~ may strengthen their probable cause for arrest and/or ~~be beneficial to benefit~~ a successful prosecution.

~~1.~~ The Administrator shall not use a field identification shall not be used if independent probable cause exists to arrest a suspected individual, and eyewitnesses can later identify the suspect individual through a photo lineup/array.

ii. ~~2.~~ Administer the field identification/field identification procedure close in time, or in a reasonable amount of time, to the commission of the crime;

b. ~~3.~~ Transport the eyewitness to a neutral, non-law enforcement location where the individual is being detained/suspect is being held;

c. ~~4.~~ Remove the suspect individual from the law enforcement vehicle when applicable; and

d. When feasible, present the individual so if the suspect individual is handcuffed they shall be presented, if practicable, so in a manner that if they are the handcuffed, the handcuffs are not visible to the eyewitness; and

e. Request the exact time from the Emergency Communications Center (ECC) Dispatcher immediately after conducting the field identification/field identification; and

f. Minimize factors that may influence an eyewitness to identify an individual or affect the eyewitness's confidence level in identifying the individual during a field identification.

g. The factors may include but are not limited to verbal or nonverbal statements or reactions from the Administrator.

~~5.~~

N/A

6

D. Documentation

~~D.1.~~ For documenting and preserving documentation/evidence, the Administrator of a photo lineup, live lineup, or field identification shall:

N/A

~~1.~~ Video record the entirety of the photo lineup/photographic array, live lineup, and, where/when practicable, the field identification/field identification procedure, consistent with SOP Use of On-Body Recording Devices (refer to SOP On-Body Recording Devices for sanction classifications and additional duties);

N/A

a. ~~2.~~ Tag all photographic documentation of photo lineup members and recordings for field identification/field identification of suspects/individuals, as well as all descriptions provided by the eyewitness of the perpetrator/individual, into evidence, as outlined in consistent with SOP On-Body Recording Devices (refer



to SOP On-Body Recording Devices for sanction classifications and additional duties); and

~~3. Document in their offense/Uniform /Incident Report the circumstances under which thea show up/field identification was warranted; and~~

b.

~~Document the following in their Uniform Incident Report or Supplemental Report/offense/incident report and/or supplemental narrative report the following:~~

c.

i. The circumstances under which a field identification was warranted;

ii. ~~a~~A description of the ~~suspect~~ individual provided by the eyewitness;

iii. ~~, including a~~ description of the circumstances under which the ~~suspect individual was seen by the~~eyewitness saw the individual; ~~eyewitness;~~

iv. ~~,~~ The time of day and, ~~the~~ length of time the ~~suspect~~ individual was seen;

v. ~~,~~ The perceived or actual distance from the eyewitness to the ~~suspect individual;~~ and

vi. ~~,~~ The lighting conditions;

1. ~~This is necessary to~~ The Administrator shall document this for both field identifications/~~field identifications~~ and photo line-ups/~~field identifications;~~ and

vii. The time the field identification/~~field identification~~ was conducted; ~~and~~

4.viii. A clear statement from the eyewitness in their own words at the time of identification as to their confidence level that the individual identified is the individual who committed the offense.

~~The Administrator shall minimize factors that may influence an eyewitness to at any point in time during a live lineup, photo lineup/photographic array, or showup/field identification could influence an eyewitness to identify an suspect individual or affect the eyewitness's confidence level in identifying a suspect the individual during a show up/field identifications and photo line ups/field identification.~~

~~E. The factors may include, but are not not limited to, verbal or nonverbal statements by, or reactions from, the administrator.~~