

# Identification Methods

Session Materials

The identification process involves four main methods.

1. Photographic Montage
2. Single-Suspect Confrontation
3. Physical Line-up
4. Suspect Sketch

## 1. Photographic Montages:

A photographic montage is a fair composition of photographs that enables a witness to provide a more accurate identification of a person of interest (or not).

### Preparing the Montage:

- There must be a minimum of 6 photographs for single-suspect identification
  - More photographs add credibility, but are not required.
  - Compose the montage in such a manner that the suspect does not unduly stand out. Have someone double-check the montage to ensure that the suspect does not unduly stand out.
- Multiple suspects - Use a separate, unique montage for each suspect to be identified.
  - Do not re-use any photos. A witness should never see the same 'filler photo' twice.
- All photos in the montage must be from same source.
  - Photos should be reasonably contemporary.
  - Cover up all identifying data.
- Be consistent with respect to tattoos, scars, body piercings, etc.
- Do not artificially conceal or add any item used to describe the suspect. (i.e. don't draw a moustache on the picture)
- Consider placing the suspect in a different order for each montage.

### Presenting the Montage:

- Give instructions/advisement to the witness prior to viewing. These instructions can facilitate a positive identification, or not, based on their memory.
  - A proper advisement helps witnesses feel comfortable telling you if they do not recognize the person.
  - Instructions should be given using a standard written advisement form.
  - Read, or have the witness read, your department's approved photo montage form for consistency.
- If no identification is made, then possible suspects may have been eliminated.
- Do not tell the witness whether they did or did not make a correct identification from the montage. (Don't say, "That's right, you picked him!" or "Good job.")
  - Let the witness know that the investigation is still ongoing.



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- All witnesses must be shown montages before eliminations can be made.
- Montages are still helpful even if 65% sure of identity... that may be enough to help a prosecution.

### Documenting the Montage Process:

- Record the results (on the advisement form or in a follow-up/supplemental report) whether identification was confirmed or not, and include quotes with the witnesses' own words.
- The records from this process can be critical in court proceedings.
- Make sure the results are signed and dated.
- The montage and results become evidence.
- Do not display or "leak" other materials indicating previous results to the witness.

### Problems with Montages:

- Identifications may be weak due to memory of the witness or victim.
- Memory distortions can be common with quick-paced events. (i.e. only saw a profile)
- Be aware that sometimes opposing views/descriptions by different witnesses may actually weaken the identification of a suspect.
- Pictures presented have distortions themselves and may not accurately reflect suspect.
- Attorneys may challenge the placement of the suspect in the montage, or may say that the pictures make the suspect unduly stand out.
- Limitations within your bank of filler photos may require you to go to other sources for similar photos.

### The Future of Montages:

- Some prosecutors would like to see "sequential montages" rather than a folder or entire series at one time.
  - This involves showing the witness one photo at a time and then taking it away before showing another photo.
  - This will probably result in fewer confirmations of suspects overall, but stronger positive identifications when a suspect is identified.



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## 2. Single-Suspect Confrontation

This process may also be called a “field show-up,” a “field line-up,” or even a “one-on-one.”

### When to Use a Single-Suspect Confrontation:

- To be used when a suspect is detained in the vicinity of where the crime is committed and the suspect matches the physical description.
  - Proximate location to the crime may depend on the suspect’s ability to travel.
  - Must be reasonable to show suspect could have been at the scene due to their location.
- Suspect and the description given must be similar.
  - Clothing may vary due to ability to remove garments or alter them.
- The suspect is usually detained at this point, but the subject may already be under full arrest.
- Single-suspect confrontations are preferred to be conducted within 60 minutes of the incident.
  - More than 60 minutes after the fact requires reasonable, extenuating circumstances (case by case basis). As time increases, the likelihood of identification holding up in court decreases.
- Keep in mind that witnesses may have visual/auditory distortions included in their descriptions.

### Administering the Single-Suspect Confrontation:

- Bring the witness to the suspect location.
  - If you move the suspect, it creates a defacto arrest.
  - If a witness can’t make it to the location for identification, find an alternate method (photographic montage).
- Avoid showing the suspect in handcuffs, which can influence the witness’s decision (use caution and common sense – don’t jeopardize your safety).
- If possible, allow the witness remain inside a vehicle or other discreet location while viewing the suspect.
  - Avoid allowing the suspect to intimidate.
- Simply advise the witness that you would like to have him/her view a person that resembles the description.
- Avoid the temptation to make suggestions or tell the witness that you “caught the person who did the crime.” Avoid the term “suspect.”
- You can ask, “Do you recognize this person?”
- It’s acceptable to allow the witness to view a group of suspects (provided they meet the description and were located together).
- If there is more than one witness, each should view the suspect(s) separately.
  - Do not allow witnesses to talk to each other regarding the suspect(s).



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## Documenting the Single-Suspect Confrontation Process:

- Note the time and location.
- Note what was said or if any doubts were expressed.
- Note the emotions and/or state of mind of the witness.
- Obtain a written statement from the witness.

## Single-Suspect Confrontation Exceptions:

- If witness or victim is in danger of immediate death, you may bring suspect to him/her for identification. There must be a reasonable belief that the victim may not survive long enough for a line-up viewing.
- If a victim or witness recognizes a person and can identify by name, a single-suspect confrontation or a line-up is not necessary. This kind of identification can be used in court.
- During detainment, a suspect may demand an immediate identification take place. A physical line-up is not necessary; you can bring the victim/witness there immediately.
  - At the suspect's request, you may go beyond the 60-minute rule.



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## 3. Physical Line-ups

An investigative tool used to give witnesses an opportunity to provide identification by sight. Rarely done (at least in this region) due to space/building limitations and the limited number of available “filler suspects” that would fit the description.

### Preparing for the Line-up:

- Suspect is usually already under arrest. (Line-ups require probable cause.)
- The court can compel a suspect to participate (via court order).
- An attorney is required and must be present during a line-up. Notify at least 24 hours in advance.
  - Waivers allowable – the attorney does not have to be there if they do not want to be.
- Is there a need for a line-up?
  - Provides identification by sight.
  - Might elicit a confession or admission.
  - Valuable as additional evidence.
  - May reduce chance for misidentification.

### Conducting the Line-up:

- Minimum of 5 persons plus the suspect.
- Defendant may waive right to counsel (done voluntarily, knowingly, intelligently).
- Counsel has no right to control or participate in the line-up.
  - Counsel may only make suggestions as to the line-up procedure.
  - It's acceptable to introduce the defense attorney to the witnesses.
- Persons must be unknown to the witness.
- Only one suspect per line-up.
- Participants must be similar in appearance.
- Place suspect randomly. There's nothing wrong with the attorney suggesting a particular position.
- Avoid using filler who are too similar in appearance.
- Strive to create a consistent appearance between suspect and fillers with respect to any unique or unusual feature. (i.e. scars, tattoos, pierced body parts)
  - Finding fillers with similar marks and tattoos can sometimes be difficult. You may have to work hard to find appropriate fillers.

### Investigator Responsibilities in Line-ups:

- The investigator usually gives the orders to the line-up participants.
- Have them profile themselves (turn sideways).
- All the participants must do the same thing.



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- May instruct a participant to recite a phrase if voice recognition is needed (does not violate the 5<sup>th</sup> amendment).
- Photograph each movement if possible (can use video).

### Line-up Room Procedures:

- If more than one witness, have them sit apart.
  - No talking between the witnesses.
- Check with witnesses to determine what phrases need to be heard or need to be repeated.
- Provide each witness with a line-up form.
- What if a suspect appears drastically different from the date of incident?
  - Have a photo montage available as a back-up.
  - Make no comments to the witness about the changed appearance.
  - Take a new picture of the “changed” suspect to record the difference in appearance.



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## 4. Suspect Sketches

- May be useful when there is limited evidence at the scene to identify the suspect.
- A sketch may be faster way to identify a suspect.
- A sketch may be only way to get the suspect identified.
- Sketch artists are a valuable resource. Have a list available.

