



**Colorado Springs Police Department  
General Order 844**

**Section 8: Live Identifications -- Investigations and Evidence**

Active Date: 4/19/2011  
Supersedes Date: 12/10/1998

**Approved**  
*[Signature]*  
**General Order**

## **.01 Purpose**

To specify and set procedures for conducting any live or in-person identifications.

## **.02 Cross Reference**

[GO 840, Identifications](#)  
[GO 740, Determining Probable Cause](#)

## **.03 Discussion**

Out of court identification procedures may be inadmissible in court if they are so impermissibly suggestive and conducive to mistaken identification at trial so as to amount to denial of a defendant's right to due process of law. Although the courts generally acknowledge that a perfect identification procedure is impossible and that there will always be some inherent suggestiveness, courts will look at the totality of circumstances to decide whether or not due process rights were violated.

## **.04 Policy**

When practical, in-person or live identifications should be by formal identification procedures (live physical lineup), however, one on one show-up identification procedures may be used as necessary. Officers will take all reasonable steps to avoid suggestiveness in identification procedures, and be aware that departure from formal identification procedures must be adequately justified and documented so as to avoid jeopardizing successful prosecution, and will be conducted in accordance with this General Order.

## **.05 Definitions**

The word "Witness", as used in this General Order, should be understood as including victims. Other terms have the meaning described in the individual sections below.

## **.10 Formal Identification Procedures**

A formal identification, or lineup, occurs whenever a suspect is placed in a live group of individuals, and then the entire group is presented to witnesses for viewing. Physical lineup procedure shall be photographed and/or videotaped whenever possible.

## **.12 Responsibility for Procedure**

As the formal identification (live physical lineup) procedure can be detailed, officers intending to utilize this process should do so through the investigative unit assigned to the case. When this is impractical, or when no investigative unit has been assigned, the initiating officer will coordinate physical lineup activities with a supervisor, who will approve the format and procedures prior to the lineup being presented to witnesses. When practical, physical lineups should also be coordinated with the District Attorney's Office.

## **.20 Show-up**

A show-up is the viewing of only one suspect, by a witness, to determine if there is recognition and if identification can be made. A show-up shall be conducted only under the following circumstances and then only according to the appropriate procedures. Types of show-ups include Emergency Identifications and Field Identifications.

## **.22 Emergency Identification**

An emergency identification is a process by which an investigating officer allows a witness to view a single suspect, without regard to time of day or location. An emergency identification may be conducted when there is sufficient reason to believe that the witness or suspect is in imminent danger of death, coma, blindness or other deteriorating physical condition that would preclude conducting a less suggestive procedure at a later time. When this emergency procedure must be used, the suspect should be shown to the witness in the least suggestive manner possible consistent with the physical condition of the person whose life is in jeopardy. When necessitated by emergent circumstances, a suspect who is temporarily detained for an emergency identification may be moved from the location where he/she was stopped. Because these will usually involve a critical medical situation, permission should be sought from appropriate medical authorities prior to conducting an emergency identification so as to not unnecessarily put lives at risk. Suspects do not have a right to have an attorney present at an emergency identification.

## **.24 Field Identification**

A field identification occurs when an officer arranges for a witness to view a single suspect in the field. Field identifications, also referred to as one-on-one confrontations, should be limited to situations in which possible doubts as to identification need to be resolved promptly, and it is reasonable to believe that an eyewitness identification of the suspect will be helpful in developing probable cause to arrest. When practicable, officers are encouraged to use photographic identifications (G.O. 847) or formal identification procedures (live physical lineups); however when field identifications are necessary the following procedures should be followed. Participants do not have a right to have a lawyer present at any field identification procedure.

**Justification:** A show-up field identification is justified when a person has been stopped based on reasonable suspicion that he/she has committed a recent crime, and it is reasonable to believe that eyewitness identification will help develop probable cause to arrest the suspect or release a detained suspect. Additionally, the eyewitnesses who will be asked to view the suspect must have had reasonable opportunity to observe the suspect during the criminal act, and given a reasonably detailed description of the suspect such as height, weight, hair color, complexion and clothing appearance prior to attempting the Field Identification. Because these factors may be critical to the admissibility of the show-up identification, officers must take care to make note of them and thoroughly document them in their offense reports.

**Detention:** A suspect may be detained for a reasonable amount of time by an officer who is conducting a threshold investigation into a criminal act, and has developed reasonable suspicion (short of probable cause) that the person has committed the crime and that witnesses may be able to identify the suspect. Suspects should be advised that they are suspected of involvement in a crime and asked if they are willing to voluntarily wait with the officer until the witness can be brought to the location of the stop for a viewing. If they refuse, the suspect may be detained for as long as is reasonably necessary to conduct the identification. As a rule of thumb the period of detention may be up to twenty (20) minutes. Although the reasonableness of a longer detention might be further supported by factors such as the investigation of a very serious crime and unavailability of the suspect at a later time, every effort should be made to conduct the identification as soon as possible, and any variation thoroughly documented in the associated police reports. The suspect's consent should be documented if it was given.

**Time And Location:** The identification takes place in the field and within a reasonable time after the criminal act. Although reasonableness will ultimately be judged on totality of the circumstances, as a rule of thumb the field identification should be conducted within one hour of the occurrence of the crime. When probable cause has not yet been fully developed to arrest the suspect and he/she is being briefly detained only for the purposes of identification, the suspect should not be moved away from the location of the stop without his/her consent, as this could be viewed as an arrest. Special circumstances, such as the gathering of a hostile crowd or injuries to the witness which would preclude the witness being brought to the scene of the stop may justify some movement of the suspect, however this should be minimized. Suspects should not be moved to a police facility to conduct a field identification.

Conducting the Procedure: Officers facilitating show up field identifications, including those who transport witnesses to the scene of the stop, must make every reasonable effort to avoid making any suggestive comments or gestures about the suspect in the presence of witnesses, or suggesting that a particular individual committed the crime. Officers will transport witnesses to the location of the suspect in a marked police cruiser whenever possible. When more than one eye witness is available, each witness will be transported separately to view the suspect. Officers should remain conscious of radio transmissions and computer messages which might be seen or overheard by witnesses in this regard. Officers should not provide witnesses who will participate in field identifications any personal information about the suspect, any incriminating statements made by the suspect, or any information about whether the investigation has revealed any evidence linking the suspect to the crime. If physical evidence associated with the crime is recovered from the suspect and subsequently shown to witnesses participating in a show-up identification, they should not be told of the circumstances of its recovery.

Officers will admonish each witness prior to the witness viewing the suspect. Witnesses will be told that in a moment they are going to view a detained party who may or may not be the person who committed the crime now being investigated. After the witness has viewed the detained party, officers will ask the witness to tell them whether or not they observed the person who committed the crime, and to what degree of confidence they have that the party they viewed committed the crime. After the field identification is completed, officers will inform the witness not to tell other witnesses that they have or have not identified anyone.

To the degree possible, the suspect should be shown without physical restraints. When circumstances dictate that some physical restraint must be used, the minimum necessary consistent with adequate physical security and officer safety should be employed. Officers should take all reasonable precautions to protect victims/witnesses both during and after conduct of the show-up identification.

If requested by the witness, suspects in show up field identifications may be asked to put on or remove outer garments, or asked to repeat words or gestures used during the crime. Officers are prohibited from giving the witness any feedback at the conclusion of the field identification.

Arrest or Release: If probable cause to arrest is present prior to or independently of the field identification, the suspect should be taken into full custody before a show-up is conducted. The identification procedures may then take place at the location of the arrest, or the arrested suspect moved to the location of the witness at the time of the crime, however officers must continue to avoid impermissible suggestiveness. If probable cause is developed during the course of the investigation, including the show up identification, the suspect should be arrested. If witnesses fail to make an identification and sufficient probable cause does not exist through other evidence, the suspect should be released. All information regarding the live identification procedure will be documented on a supplemental report by the facilitating officer with as much detail as possible, to include date, time and location of the viewing, witness information, suspect information, outcome of the live identification, and any other pertinent information.

## **.30 Informal Identification**

An informal identification procedure refers to a process by which witnesses may view potential suspects without the suspect being detained or aware of the observation. It may be considered when officers lack reasonable suspicion to detain a definite suspect, when the identity of the suspect is unknown, or when there is no useable photograph available of the suspect. It may be accomplished by taking the witness to a single location where the potential suspect and a number of people, some of whom are physically similar to the suspect, are likely to be found or to pass by. If it is likely that no single location will have a number of people who are similar to the suspect, the witness may be taken to several similar locations, at one of which the suspect may reasonably be expected to be found.

The conditions of informal identification procedures are less subject to the officer's control, and it is therefore important to avoid, by word or gesture, suggesting to the witness that a particular individual committed the crime. Caution must also be exercised to avoid placing witnesses into unreasonably dangerous situations.

Alternatively, witnesses to a very recent crime (generally within two or three hours) who have been able to describe a suspect and indicated an ability to recognize him/her, may be asked to accompany an officer in a police vehicle to cruise public areas where the perpetrator might reasonably be found, for the purpose of pointing out the suspect. Although officers may direct the witness' attention to persons in the area who reasonably could be the described suspect, officers should avoid suggesting by word or gesture their own opinion that a particular individual is the perpetrator.

## **.40 Named Suspects**

When a suspect is personally known to the witness and can be definitively named, such as a spouse, friend, neighbor, etc., it is generally not necessary to conduct any of the above identification procedures. Officers are, however, encouraged to show at least a single photograph from a known source (such as police records) of the named suspect to the witness to confirm that the witness is talking about the same individual. Care must be taken in cases where witnesses are only casually acquainted with named suspects; in such cases it may be prudent to conduct a show-up or formal identification procedure.