

BERLIN POLICE DEPARTMENT  
BERLIN, MARYLAND

SUBJECT: Eyewitness Identification		NO: 400 P-1
APPROVED/EFFECTIVE DATE: February 11, 2008	AMENDS:	RESCINDS:
DISTRIBUTION A	REFERENCES: Ocean City Police Department General Order 400 P-1 Annotated Code of Maryland, Public Safety Article, 3-505	

.10 PURPOSE

The purpose of this directive is to establish guidelines and procedures for obtaining accurate eyewitness identification.

.20 DISCUSSION

Eyewitness identification is one of many tools used by law enforcement in the investigation of a crime. This investigative tool is vigorously challenged by defense attorneys. Therefore, it is critical that eyewitness identifications be conducted in a professional, structured manner, and supported by written documentation and corroborated with other evidence. It is also important to point out that the responding officer may not be the first person to speak to a witness. Reporting persons are witnesses, and they may have spoken to civilian staff (Police Communication Officer) prior to an officer. Consequently, civilian staff should be familiar with this policy to ensure that as much accurate information as possible is obtained during the initial contact.

.30 POLICY

A. It is the policy of the Berlin Police Department to avoid any action that would be unduly suggestive during any eyewitness identification process.

- B. It is the policy of the Berlin Police Department that all eyewitness identification be conducted in a structured, professional manner designed to clear the innocent as well as identify suspects in criminal offenses.
  
- C. It is the policy of the Berlin Police Department that a criminal investigation will not be concluded or otherwise ceased based solely on eyewitness identification. Investigations will continue until all other evidence has been collected and examined, all witnesses identified, and all reasonable leads explored.
  
- D. It is the policy of the Berlin Police Department that a witness will participate in one and only one type of eyewitness identification. The types of eyewitness identification are:
  - 1. Viewing a Mug Book
  - 2. Participating in the preparation of a Composite Drawing
  - 3. Participating in a Show Up
  - 4. Participating in a Live Line-Up
  - 5. Viewing a Photo Line-Up
  
- E. It is the policy of the Berlin Police Department that any identification or non-identification, of a suspect be documented in writing, along with any comments by the witness concerning the identification or non-identification.
  
- F. It is the policy of the Berlin Police Department that any photograph of an individual identified by an eyewitness and all other photographs used in the identifying Photo Line-Up be retained as evidence and handled as such (name and date of birth should be included with each photograph).

.40 DEFINITIONS

- A. MUG BOOK - A collection of photographs of previously arrested individuals known or suspected to be involved in certain types of crimes. Mug Books are frequently used when there is no clear suspect and other reliable sources have been exhausted.
- B. COMPOSITE - Renderings or recollections of a witness describing a suspect's appearance. Composite may be completed by an artist, computer program, or Identi-Kit, which features a variety of different facial features.
- C. SHOW-UP - The display of a single suspect to a witness in an effort to obtain an identification.
- D. LIVE LINE-UP - A live display of the suspect, along with other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.
- E. PHOTO LINE-UP - A display of a photograph of the suspect, along with filler photographs of other individuals (minimum of six photos) whose physical characteristics resemble the suspect's description or appearance at the time of the incident.