This policy sets forth guidelines to be used when members of the Montana State University Billings Police Department (Department) employ eyewitness identification techniques.

602.1.1 DEFINITIONS

commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

- A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

- Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

This Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

When practicable, the officer presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the officer presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

Field identifications, also known as a "show-up" or one-on-one identification, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

1. Obtain a complete description of the suspect from the witness.
2. Assess whether a witness should be included in a field identification process by considering:
   a. The length of time the witness observed the suspect.
   b. The distance between the witness and the suspect.
   c. Whether the witness could view the suspect's face.
   d. The quality of the lighting when the suspect was observed by the witness.
   e. Whether there were distracting noises or activity during the observation.
   f. Any other circumstances affecting the witness's opportunity to observe the suspect.
   g. The length of time that has elapsed since the witness observed the suspect.
3. If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
4. When feasible, officers should bring the witness to the location of the subject of the show-up, rather than bringing the subject of the show-up to the witness.