

STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

Police Officer Standards and Training Council
Connecticut Police Academy

MEMORANDUM

To: Chief Law Enforcement Officers
Training Officers
Protective Services
Resident Troopers

From: Thomas E. Flaherty
Police Academy Administrator

Date: April 18, 2013

Subject: **Update on the Mandatory Uniform Policy and Guidelines for Eyewitness Identification Procedures**

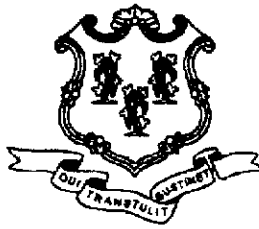
Enclosed with this memorandum is an Addendum to General Notice 12-08 and a new Page 4 to be inserted into the policy that was already distributed.

I would also like to advise you that the Justice Education Center, Inc., has produced an inventory of Police Officer pocket cards that are laminated to be issued to every Law Enforcement Agency in the State. On one side of the card is, "Guidelines for an Effective Show-Up," and on the reverse side is "Officer's Field Card Witness Instructions for Show-Up Identifications."

Please have your personnel stop into my Office when they visit the Academy and retrieve a supply of cards for all of your Officers. Nancy Deegan, my Administrative Assistant, will issue the cards to each Department.

The Eyewitness Identification Task Force Research sub-committee has asked me to advise all that they will begin to collect copies of the Model Standards Identification Procedure Record and Form August 1, 2013. You will be asked to forward those copies to my attention at POST. We will send a reminder out approximately mid-July.

Thank you for your cooperation and efforts.



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ADDENDUM TO GENERAL NOTICE 12-08

To: Chief Law Enforcement Officers
Training Officers
Protective Services
Resident Troopers

From: Thomas E. Flaherty
Police Academy Administrator

Date: April 18, 2013

Subject: **Substitution of Page 4 in the Mandatory Uniform Policy and Guidelines For Eyewitness Identification Procedures Pursuant to Public Act 11-252 and Public Act 12-111**

It has been brought to the our attention by the Hartford Police Department that there is an inconsistency on Page 4 of the above policy, specifically, Section H and The Model Standard Identification Procedure and Record Form.

Please extract Page 4 from the original policy and insert the version of Page 4 included with this General Notice.

- A.** A written **Standard Identification Form and Record** of the identification procedure shall be completed by the Police Officer(s) conducting the identification procedure upon conclusion of the procedure, a sample of which is attached, that includes the following information among other data;
- a.** All identification and non-identification results obtained during the identification procedure.
 - b.** The date and time of the identification procedure.
 - c.** Record Collection and Retention – Each agency shall maintain as a separate and distinct record set copies of Standard Identification Forms and Records completed by said agency. This form shall be retained by calendar year for the purpose of facilitating analysis and reporting by outside persons or agencies tasked with same.
- In addition, the following information should be recorded and retained in the investigative file:
- a.** A statement signed by the eyewitness including the eyewitness's own words regarding how certain he or she is of the selection, i.e., a confidence or certainty statement.
 - b.** The names of all persons present at the identification procedure.
 - c.** In a photo lineup, the photographs presented to the eyewitness or copies thereof.
 - d.** In a photo lineup, identification information on all persons whose photographs were included in the lineup and the sources of all photographs used and
 - e.** In a live lineup, identification information on all persons who participated in the lineup.

Procedures and Best Practices:

- A.** Preparation of Photographic Lineups
- a.** The suspect and filler photographs should resemble the witness's description in significant features such as race, sex, facial features, profile, height, weight, build, specific item of clothing, etc. to the extent applicable to the photo being used of the suspect.
 - b.** If multiple photographs of the suspect are available, lineup administrators should select the photograph that most resembles the suspect description or appearance at the time of the incident.
 - c.** Attention should be paid to unusual identifying marks described by the witness that are visible on the suspect's photo. In these cases, photos containing a similar feature should be included when possible or the area of the feature may be covered on all photographs to be included.
 - d.** All photos should be of the same size and no single photo should unduly stand out from the others.
 - e.** If the eyewitness has previously viewed a photo lineup or live lineup with the suspect's photo or with the suspect in it, steps must be taken to ensure that the suspect does not stand out in the new lineup.
 - f.** A minimum of five fillers must be used in photo lineups and at least four in live lineups in addition to the suspect.
 - g.** In a photo lineup, no information concerning any previous arrest of the suspect shall be visible to the eyewitness.
 - h.** If multiple suspects are involved, a separate photo lineup must be prepared for each suspect to be presented to the witness.
 - i.** In cases where one witness will view multiple lineups, containing different suspects, the person administering the lineup will ensure that different filler photographs are used in each individual photo lineup.
 - j.** In cases where multiple witnesses will be viewing photo lineups, separate photo lineups should be prepared for each witness. The person administering the lineup may use the same filler photographs for each witness. When possible the suspect should be placed in a different position.