



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-67

Effective: 10/09/2020

Review: 10/09/2021

Replaces: 01/15/2016

## 2-67 PHOTOGRAPHIC ARRAYS AND FIELD IDENTIFICATIONS

### Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[2-8 Use of On-Body Recording Devices](#)

[2-82 Restraint and Transportation of Individuals](#)

B. Form(s)

PD 1336a Photographic Identification Form

PD 1336b Photographic Identification Form Master Name Index

C. Other Resource(s)

N.M. Stat. Ann. § 29-3B-3 Eyewitness Identification Procedures

D. Rescinded Special Order(s)

None

### 2-67-1 Purpose

The purpose of this policy is to ensure that the Albuquerque Police Department (Department) is in compliance with Eyewitness Identification Procedures of the Accurate Eyewitness Identification Act (N.M. Stat. Ann. § 29-3B-3).

### 2-67-2 Policy

It is the policy of the Department for sworn personnel to follow procedures and rules derived from the Accurate Eyewitness Identification Act when conducting field identifications and the presentation of a photographic array during the course of investigations.

### 2-67-3 Definitions

A. Administrator

For the purposes of this policy a sworn officer conducting a photo lineup or live lineup.

B. Blind

For the purposes of this policy means the administrator does not know the identity of the suspect.

C. Blinded



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For the purposes of this policy means the administrator may know who the suspect is but does not know which lineup member is being viewed by the eyewitness.

D. Eyewitness

A person who observes another person at or near the scene of an offense.

E. Filler

Either a person or a photograph of a person who is not suspected of an offense and is included in an identification procedure.

F. Folder Shuffle

A photographic array method that involves placing photographs in individual folders, shuffling their order, and allowing the witness to open each folder in such a way that the officer cannot see which photograph the witness is viewing. A witness should only look at one folder/photograph at a time.

G. Live Lineup

An identification procedure in which a group of persons, including the suspected perpetrator of an offense and other persons not suspected of the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

H. Photo Lineup/Photographic Array

An identification procedure in which an array of photographs, including a photograph of the suspected perpetrator of an offense and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness either in hard copy form or via computer for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator; for the Department, this is commonly referred to as a "photographic array".

I. Showup/Field Identification

For the purposes of this policy an identification procedure in which an eyewitness is presented with a single suspect for the purpose of determining whether the eyewitness identifies this individual as the perpetrator; for the Albuquerque Police Department, this is commonly referred to as a "Field Identification".

J. Suspect

A person believed by law enforcement to be the possible perpetrator of the crime.



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- A. The administrator for a photo lineup/photographic array or live lineup shall:
1. Be blind or blinded when performing the live lineup or photo lineup/photographic array. A blind administrator is the preferred method and a blinded administrator should only be used if finding a blind administrator is not feasible;
  2. Provide the eyewitness with instructions that minimize the likelihood of an inaccurate identification, including that the perpetrator may or may not be in the identification procedure and that the investigation shall continue regardless of whether an identification is made. The administrator shall use the Photographic Identification Form and the Photographic Identification Form Master Name Index when administering a photo lineup/photographic array;
  3. Ensure, when practicable, that a photograph of the suspect used in a photo lineup/photographic array is contemporary and resembles the suspect's appearance at the time of the offense;
  4. Present separate photo lineups/photographic arrays and live lineups when there are multiple eyewitnesses, ensuring that the same suspect is placed in a different position for each identification procedure;
  5. Use the folder shuffle method;
    - a. The administrator shall only provide the witness with one folder/photograph at a time.
  6. Compose the lineup so that the fillers generally resemble the eyewitness's description of the perpetrator so that the suspect does not unduly stand out from the fillers;
  7. Use at least four fillers in a live lineup and at least five fillers in a photo lineup/photographic array;
  8. In the rare instances where a live line up is conducted:
    - a. Not illegally detain any individual without reasonable suspicion to believe the individual(s) has been, is, or is about to engage in criminal activity.
    - b. Not conduct a live line up involving more than one individual prior to briefing an on-duty supervisor of the circumstances necessitating the use of live lineup and must have the approval of a supervisor to conduct a live line up.
    - c. If the suspect has already been charged with a crime, the suspect has a right to the presence of legal counsel during a live line up.
  9. Present lineup members one at a time;



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10. Document in their offense incident and/or supplemental narrative report a description of the suspect provided by the eyewitness, including a description of the circumstances under which the suspect was seen by the eyewitness, the time of day, the length of time the suspect was seen, the perceived or actual distance from the eyewitness to the suspect, and the lighting conditions; and
11. Seek and document in their offense/incident report a clear statement from the eyewitness at the time of the identification and in the eyewitness's own words as to the eyewitness's confidence level that the person identified is the person who committed the crime.

B. Exceptions to the Administration of Photo Lineup/Photographic Array

1. Photo lineups/photographic arrays are not appropriate in circumstances including, but not limited to:
  - a. A suspect is personally known to the victim or witness(es);
  - b. A suspect has been arrested at the scene of a crime and in the presence of the victim or witness(es); and
  - c. The victim or witness(es) have apprehended the suspect.

C. For showup/field identifications, the administrator shall:

1. Only conduct a showup/field identification when the immediate display of a suspect to an eyewitness is necessary. Administrators are permitted to utilize a showup/field identification if they feel it will strengthen probable cause for arrest and/or be beneficial to a successful prosecution. Showups/field identifications shall not be used if independent probable cause exists to arrest a suspect and eyewitnesses can later identify the suspect through a photo lineup/array;
2. Administer the showup/field identification procedure close in time, or in a reasonable amount of time, to the commission of the crime;
3. Transport the eyewitness to a neutral, non-law enforcement location where the detained suspect is being held;
4. Remove the suspect from the law enforcement vehicle where applicable; and
5. If the suspect is handcuffed they shall be presented, if practicable, so that the handcuffs are not visible to the witness.

D. For documenting and preserving documentation, the administrator shall:

1. Video record the entirety of the photo lineup/photographic array, live lineup, and where practicable, the showup/field identification procedure, consistent with SOP Use of On-Body Recording Devices;



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2. Tag all photographic documentation of photo lineup members and recordings for showup/field identification of suspects, as well as all descriptions provided by the eyewitness of the perpetrator into evidence;
  3. Document in their offense/incident report the circumstances under which a showup/field identification was warranted; and
  4. Document in their offense/incident report and/or supplemental narrative report a description of the suspect provided by the eyewitness, including a description of the circumstances under which the suspect was seen by the eyewitness, the time of day, the length of time the suspect was seen, the perceived or actual distance from the eyewitness to the suspect and the lighting conditions. This is necessary for both showup/field identifications and photo line-ups/field identifications.
- E. The administrator shall minimize factors that at any point in time during a live lineup, photo lineup/photographic array, or showup/field identification could influence an eyewitness to identify a suspect or affect the eyewitness's confidence level in identifying a suspect. The factors may include, but not limited to verbal or nonverbal statements by, or reactions from, the administrator.