



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-67 (Formerly 2-29)

Effective: 03/25/2023 Review: 03/25/2024 Replaces: 10/14/2020

2-67 LINEUPS 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Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):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 \(Formerly 1-39\)](#)

[2-82 Restraints and Transportation of Individuals \(Formerly 2-19\)](#)

B. Form(s)

[PD 1336a Photographic Identification Form](#)

[PD 1336b Photographic Identification Form Master Name Index](#)

C. Other Resource(s)

NMSA 1978, § 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D. Rescinded Special Order(s)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) personnel comply with NMSA 1978, § 29-3B-3 Eyewitness Identification Procedures.

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 lineups during an investigation

N/A

2-67-3 Definitions

A. Administrator

Means personnel conducting a photo lineup or live lineup.

B. Blind

The administrator does not know the identity of the suspect

C. Blinded

The administrator may know who the suspect is but does not know which lineup member is being viewed by the eyewitness



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D. Eyewitness

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

E. Field Identification

An identification procedure in which an eyewitness is presented with a single suspected individual for the purpose of determining whether the eyewitness identifies this individual as the perpetrator. A field identification may also be known as a "showup".

F. Filler

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

G. Folder Shuffle

A photographic array method involving placing photographs in individual folders, shuffling their order, and allowing the witness to open each folder so that the Administrator cannot see which photograph the witness is viewing.

H. Individual

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

I. 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.

J. Photo Lineup

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".

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2-67-4

Procedures

A. Photo Lineups (Photographic Array)

1. The Administrator of a photo lineup shall:



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- a. Use the Photographic Identification Form and the Photographic Identification Form Master Name Index when administering a photo lineup;
 - b. Compose the photo lineup so that the fillers generally resemble the eyewitness's description of the individual and so the individual does not unduly stand out from the fillers;
 - c. When practicable, ensure that the photograph of the individual to be used in the photo lineup is current and resembles the individual's appearance at the time of the offense;
 - d. Present separate photo lineups when there are multiple eyewitnesses, ensuring that they place the individual in a different position for each identification procedure;
 - e. Use at least five (5) fillers in a photo lineup;
 - f. Be blind or blinded when performing the photo lineup;
 - i. A blind Administrator shall be the method for this identification.
 - ii. A blinded Administrator shall only be used if finding a blind Administrator is not feasible.
 - g. Provide the eyewitness with instructions that minimize the likelihood of an inaccurate identification; and
 - h. The Administrator shall inform the eyewitness that the individual suspected of committing the offense may or may not be in the identification procedure and that the investigation shall continue regardless of whether or not they make an identification.
 - i. Minimize factors that may influence an eyewitness to identify an individual or affect the eyewitness's confidence level in identifying the individual during a photo lineup.
 - i. The factors may include, but are not limited to verbal or nonverbal statements or reactions from the Administrator.

N/A

2. Exceptions to the Administration of a Photo Lineup

- a. Administrators shall not conduct photo lineups for the following circumstances:
 - i. When the individual is personally known to the victim or witness(s);
 - ii. When the individual has been arrested at the scene of a crime and while in the presence of the victim or witness(s); or
 - iii. When the victim or witness(s) have apprehended the individual.

B. Live Lineups

1. The Administrator of a live lineup shall:

- a. Have the approval of an on-duty supervisor before conducting a live lineup;
- b. Use at least four (4) fillers;
- c. Be aware that if the individual has already been charged with a crime that they have the right to the presence of legal counsel during a live lineup;



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- d. Present separate live lineups when there are multiple eyewitnesses and ensure that they place the individual in a different position for each identification procedure;
- e. Present lineup members one (1) at a time; and
- f. Be blind or blinded when performing the live lineup.
 - i. A blind Administrator is a preferred method for this identification.
 - ii. A blinded Administrator shall only be used if finding a blind Administrator is not possible.

2. The Administrator of a live lineup shall not:

- a. Detain any individual without reasonable suspicion to believe they have been, are, or are about to engage in criminal activity; or
- b. Conduct a live lineup involving more than one (1) individual before briefing an on-duty supervisor of the circumstances necessitating a live lineup.

C. Field Identifications (Showup)

1. The Administrator for a field identification shall:

N/A

- a. Only conduct a field identification when the immediate display of an individual to an eyewitness is necessary;
 - i. The Administrator is permitted to use a field identification if they feel it may strengthen their probable cause for arrest and/or benefit a successful prosecution.
 - ii. The Administrator shall not use a field identification if independent probable cause exists to arrest a suspected individual, and eyewitnesses can later identify the individual through a photo lineup.
- b. Administer the field identification procedure close in time, or in a reasonable amount of time, to the commission of the crime;
- c. Transport the eyewitness to a neutral, non-law enforcement location where the individual is being detained;
- d. Remove the individual from the law enforcement vehicle when applicable;
- e. When feasible, present the individual so that if they are handcuffed, the handcuffs are not visible to the eyewitness;
- f. Request the exact time from the Emergency Communications Center (ECC) Dispatcher immediately after conducting the field identification;
- g. Document the exact time in a Supplemental report.
- h. Minimize factors that may influence an eyewitness to identify an individual or affect the eyewitness's confidence level in identifying the individual during a field identification.
 - i. The factors may include but are not limited to verbal or nonverbal statements or reactions from the Administrator.

N/A

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D. Documentation



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1. For documenting and preserving evidence, the Administrator of a photo lineup, live lineup, or field identification shall:

N/A

a. Video record the entirety of the photo lineup, live lineup, and, when practicable, the field identification procedure, consistent with SOP Use of On-Body Recording Devices (refer to SOP On-Body Recording Devices for sanction classifications and additional duties);

N/A

b. Tag all photographic documentation of photo lineup members and recordings for field identification of individuals, as well as all descriptions provided by the eyewitness of the individual into evidence, consistent with SOP On-Body Recording Devices (refer to SOP On-Body Recording Devices for sanction classifications and additional duties); and

c. Document the following in their Uniform Incident Report:

i. The circumstances under which a field identification was warranted;

ii. The description of the individual provided by the eyewitness;

iii. A description of the circumstances under which the eyewitness saw the individual;

iv. The time of day and length of time the individual was seen;

v. The perceived or actual distance from the eyewitness to the individual;

vi. The lighting conditions;

1. The Administrator shall document this for both field identifications and photo lineups.

vii. The time the field identification was conducted; and

viii. A clear statement from the eyewitness in their own words at the time of identification as to their confidence level that the individual identified is the individual who committed the offense.