



**Baltimore County Sheriff's Office
Towson, Maryland**

**Sheriff
R. Jay Fisher**

General Order

Subject: Suspect Identification	Effective Date January 30, 2009	Number B-11
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Purpose:

There may be occasions where the Baltimore County Sheriff's Office must conduct an investigation, and identify a suspect using an eyewitness. Legal precedent requires consistent and specific procedures to be used when a suspect is identified. This directive sets agency procedure for identifying suspects through photo arrays, composite sketches, live line-ups, mug shot books, and one-on-one identification. In many cases, the Baltimore County Sheriff's Office will seek the assistance of the Baltimore County Police Department. In such scenarios, the Sheriff's member will follow all of the recommendations of the Baltimore County Police Department.

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I. Definitions

- A. Line Up:** A live display of the suspect, along with the other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.
- B. Photo Array:** A display of a photograph of the suspect, along with filler photos of other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.
- C. Composite Sketch:** Renderings or recollections of a witness describing a suspect's appearance. Composites may be completed by an artist, computer program or identification kit.
- D. Mug Shot Book:** A collection of photographs of previously arrested individuals known or suspected to be involved in certain types of crimes.
- E. One-On-One Identification:** The live display of one suspect to a witness in an effort to identify the suspect.

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II. Policy

It is the policy of the Baltimore County Sheriff's Office to facilitate a fair and unbiased identification of suspects. This agency recognizes the necessity for an eyewitness to be free of any suggestive influence when identify suspects. For this reason, the Baltimore County Sheriff's Office follows specific guidelines each time an eyewitness identification is made.

III. Lineups

- A.** Under certain conditions, "one-on-one" identifications are permitted. However, if suspects held in custody have been officially charged (issued a copy of the Statement of Charges), they shall not be shown singly for purposes of identification.
- B.** All lineups, except for appropriate one-on-one identifications and emergency situations, shall be conducted at Baltimore County Police Department facilities and supervised by the Baltimore County Police Department. Sheriff's Office members will comply with any and all instruction from the Baltimore County Police.
- C.** Baltimore County Police Criminal Investigations Division (CID) personnel will oversee the lineup. Baltimore County Sheriff personnel may make arrangements for a lineup by contacting the appropriate unit (e.g., Robbery, Sex Crimes, etc.).
- D.** Witnesses, victims, or complainants shall not be given an opportunity to converse with or discuss the case with any other witnesses, victims, or complainants prior to or after viewing the lineup.
- E.** No one shall attempt to influence the identification of any suspect in the lineup.
- F.** The accused or suspected person must always be presented in a group of about five persons of the same color, who are approximately the same age, weight, and height as the suspected person.
- G.** All persons in the lineup shall be attired in clothing furnished by the Baltimore County Police Department. **EXCEPTION:** When the question of clothing is pertinent.
- H.** A member of the State's Attorney's Office and the suspect's attorney or a public defender shall be present at all lineups.
- I.** Any request or objection made by the attorney representing the suspect shall be noted in a Baltimore County Sheriff's Office form 125. Reasonable requests shall be honored.
- J.** The persons who are to be used in the lineup shall be placed in line in the presence of the suspect. Suspects should then be advised that they may take whatever position in the line they desire.
- K.** The officer in charge must then have the Lineup Identification Record Form 45 filled out, indicating name, address, age, weight, height, race, and description of

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clothing of all persons in the line. Sheriff's personnel shall obtain and complete a copy of the form 45, as directed by the County Police.

- L. The subjects in the lineup must be numbered consecutively, starting with number one on the deputy's left, facing the group.
- M. Deputies may only use numbers when referring to the subjects.
- N. When there are multiple perpetrators, may tell the witness of the role (e.g., gunman, lookout, etc.) for which the lineup is being conducted. However, the description of the role for which the lineup is being conducted must be limited. Any reference to a "suspect" being included in the lineup must be avoided.
- O. If there is more than one witness, shall call each witness into the lineup room individually to make the identification. Every precaution must be taken so that persons who have viewed the lineup are not allowed to contact other witnesses who are waiting to make an identification.
- P. Before each new witness is brought in, shall advise the suspects of their right to change their position in line.
- Q. If the suspect exercises this right and changes position in the lineup, the officer in charge must make a new Lineup Identification Record Form 45 sheet as prescribed above.
- R. Deputies must ensure a photograph is taken immediately after an identification is made by the witness. The photograph shall be taken with the suspect in the exact posture and lineup number as at the time of identification.
- S. Identification Form 85A shall be filled out by the witness who has viewed the lineup. A written statement shall also be obtained from the witness in reference to the identification of the suspect and also where, when, and what the suspect was doing at the crime scene. The deputy is responsible for obtaining these forms unless otherwise directed by the County Police.

III. Photo Arrays

- A. Shall be permanently affixed to Photograph Array Form 126A. Deputies are responsible for ensuring that this form is used, unless otherwise directed by the county police. **EXCEPTION:** Photographs too large to properly fit on the Form 126A.
- B. Should only be used to identify logical suspects.
- C. Must be presented six at a time.
- D. Shall be similar in race, facial hair, hair style, age, and type of photograph (e.g., black and white, color, school yearbook, etc.) Shall have the Unique Identification (UID) numbers and dates taped or blacked out prior to showing photographs.

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- E.** Shall have the Unique Identification (UID) numbers and dates taped or blacked out prior to showing photographs.
- F.** When there are multiple perpetrators, may tell the witness of the role for which the photo show is being conducted (e.g., gunman, lookout, etc.). However, deputies must limit their description of the role for which the photo show is being conducted. Any reference to a "suspect" being included in the photo show must be avoided.
- G.** Have the witness note all comments (exactly as spoken) as to the identification of a suspect in the Witness Comments section of Form 126. This shall be in the witness' own handwriting. The witness shall then sign Form 126.
- H.** Ask the witness what role the identified subject played in the crime. Note the response in the Witness Comments section of Form 126.
- I.** When a witness selects a photograph but uses uncertain statements, question the witness as to why the photograph looks like the suspect and what is different between the photograph and the suspect. As much information as possible shall be drawn out as to similarities and differences between the photograph selected and the suspect. Percentages shall not be used or asked for when describing the certainty of an identification.
- J.** Package the Photograph Array as evidence in exactly the same way it was shown to the witness.
- K.** Forward the evidence to the Evidence Management Unit if possible, or package as evidence according to Baltimore County Sheriff's Office policy. Deputy must ensure that the evidence is maintained in the most appropriate venue.
- L.** Distribute the Form 126 as follows:
1. Original - Accompanies the photograph array.
2. Copy - precinct/division and Sheriff's Office files.
- M.** Make a 125 which includes the:
1. Date and location Photograph Array is shown.
2. Name of the person to whom the photographs were shown.
3. UID or MVA numbers of all photographs shown.
4. Number of the photograph identified.
5. Name of any suspect.
6. Any statement made by the witness.
- N.** When photographs are shown and no identification is made, document this the photographs fact on a form 125. Include in the supplement the UID or MVA numbers, and indicate the suspect's name next to the respective UID or MVA number.

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IV. Composites

- A. Are normally used for elimination of persons, not identification of persons.
- B. Shall not be attempted if:
 - 1. A photo show has been done.
 - 2. A one-on-one identification has been done.
 - 3. The witness cannot describe the subject feature by feature
 - 4. The suspect was wearing a stocking mask, dark sunglasses, or other items that would distort or conceal facial features.
- C. Forwarded to the Division of Probation and Parole in copy form.

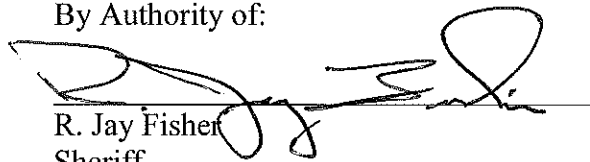
V. Mug Shot Book

- A. Used when all other sources of identification are not available.
- B. Is comprised of UID pictures of passed arrestees, categorized by physical appearance.

VI. One-on-One Identification

- A. Used only when exigent circumstances exist, and the suspect must be immediately apprehended.
- B. Suspect brought to eyewitness will be considered in secured detention. The member will fill out the appropriate paperwork for the detention.

By Authority of:



R. Jay Fisher
Sheriff