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<b>Effective Date: July 1997</b>	<b>Revision Date: November 2011</b>
<b>Amends/Supersedes: 1000.10/ July 2007</b>	<b>Approved by: Chief Kevin Higdon</b>
<b>Meets Accreditation Standard:</b>	<b>17.11</b>

## **Section 1500.20 Basic Investigative Procedure**

### **Policy**

It is the policy of the Shively Police to conduct investigations in a professional manner and to utilize current methods of investigation. The following are general guidelines for conducting investigations.

### **Direct actions**

Detectives should take direct action when called to the scene of a crime whenever possible (action that is non-investigative in character is sometimes possible).

- Care for critically injured persons.
- Pursue and apprehend perpetrator if possible.
- Arrest the perpetrator.
- Protect the crime scene and physical evidence.

### **Preliminary investigation**

Preliminary investigations are conducted when direct action is not practical.

- Interview victim and witnesses, regardless of age.
- Transmit information to police headquarters.
- Conduct neighborhood search for and interview witnesses (not at scene)
- Conduct thorough searches of crime scene and determine point and means of entry.
- Describe as thoroughly as possible any tools used.
- Describe all evidence thoroughly and photograph if necessary utilizing the proper form.
- Check for fingerprints.
- Sketch the crime scene.
- Describe in detail all stolen property.
- If a vehicle was involved, describe as thoroughly as possible.
- Identify and describe all suspects.

### **Primary Investigations**

Continued investigation develops further information once immediate needs are met.

- Prepare all necessary paperwork; enter identifiable stolen property or wanted persons into Link/NCIC.
- Re-interview the victim and witnesses.
- Check the crime through the modus operandi of the perpetrator to see if it is similar to other crimes in the area.
- Investigate the activities of the suspects.
- Obtain information from sources that may be informed on the identity of the perpetrator.
- Plan organized police activities to discover additional evidence, witnesses or suspects.
- Plan dissemination of information relating to the crime, property stolen, the criminal or suspects.
- Follow up all leads thoroughly.

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## SHOW-UPS

**Show-Up Identification:** The presentation of a single suspect to a victim/witness, within a reasonable amount of time, following the commission of a crime. A show-up identification is conducted for the purpose of identifying, or eliminating, the suspect as the perpetrator. A show-up identification differs from a *typical* one-on-one identification, which occurs beyond a reasonable amount of time, and therefore, requires the suspect's consent. All show-up identifications are considered suggestive. Photo-packs and live line-ups are the preferred methods of eyewitness identification; however, circumstances may arise which require the prompt display of a suspect to a victim/witness. Proper procedures shall be followed to minimize potential suggestiveness.

### PROCEDURES

An officer shall not conduct a show-up unless reasonable, articulable reasons exist for not using a photo-pack or live line-up.

Prior to conducting a show-up, officer(s) shall:

- Consider using a photo-pack or live line-up.
- Consider the circumstances and determine whether, under the totality of circumstances, the show-up would be so suggestive that there exists a substantial likelihood that an irreparable misidentification will take place.
- Determine whether the victim/witness has seen the suspect at any time since the crime occurred. If so, officers consult with a prosecutor from the Office of the Commonwealth's Attorney prior to conducting show-up procedures.
- Attempt to assess the victim's/witness's level of confidence and his/her ability to make an identification.

Factors to consider include, but are not limited to:

- The opportunity of the victim/witness to view the perpetrator at the time of the crime
- The victim's/witness's degree of attention
- The accuracy of the victim's/witness's prior description of the perpetrator
- The length of time between when the crime occurred and the identification process

When an officer conducts a show-up, he/she shall:

- Ensure that the suspect is presented to the victim/witness within a reasonable amount of time.
- Prior to the show-up, determine and document a description of the suspect.
- Do not conduct the show-up with more than one (1) victim/witness at a time.

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## PROCEDURES (CONTINUED)

- If there are multiple suspects, the victim/witness will view each suspect in separate show-ups, conducted in accordance with the procedures outlined in this Standard Operating Procedure (SOP).
- Transport a victim/witness to the location of the detained suspect to limit the legal impact of the suspect's detention. The suspect may waive his/her right to have the victim/witness brought to him/her and be transported to the victim/witness. The officer will have the suspect sign a written waiver. Persons who are under arrest may be transported to the location of the victim/witness.  
Do not conduct the show-up at the crime scene.

- In situations where a victim/witness is in danger of imminent death or blindness, an immediate show-up may be arranged, if medical personnel consent. The suspect must still waive his/her right to have the victim/witness brought to him/her in order to be transported to the victim/witness, unless the suspect has already been placed under arrest.

- Consider officer and public safety when deciding whether or not to have the suspect in handcuffs/shackles during the show-up. If handcuffs/shackles are required, the suspect will be positioned so that the handcuffs/shackles are not visible to the witness. Show-ups should not be conducted with the suspect seated in the rear seat of a police vehicle, in a cell or in any other enclosure associated with custody.

- Not require the suspect to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.

- Not present the same suspect to the same victim/witness more than once.

- Not allow the victim/witness to view any information concerning any previous arrest, indictment, conviction or identification of the suspect.

- Not allow the victim/witness to overhear any information regarding the suspect (e.g. radio conversations).

Video recordings shall be made of all show-ups. Optional audio recordings may also be made. If neither method is employed, the reason for not recording the show-up shall be documented on the Show-Up Identification form.

Prior to viewing the suspect, the officer conducting the show-up shall provide the victim/witness a written copy of the Victim/Witness Certification Statement for Show-Ups form and obtain the victim's/witness's signature. This form shall be used to instruct the victim/witness on the proper viewing of a show-up, by advising him/her that:

- The person whom he/she is viewing may or may not be the perpetrator.

- It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

- Regardless of whether or not an identification is made, the police will continue to investigate the incident.

- They are not obligated to make an identification from the show-up.

- They should not discuss the show-up or its results with other victims/witnesses and discourage him/her from discussing the case with the media, as media exposure could jeopardize a pending investigation. Officers involved in the show-up shall not say or do anything, or otherwise provide feedback, which may influence the judgment or perception of the victim/witness.

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### **PROCEDURES (CONTINUED)**

Any deviation from these procedures shall be documented on the Show-Up Identification form. If a positive identification is made by victim/witness, the investigating officer shall consider the level of certainty displayed by the victim/witness as a factor in determining the reliability of the show-up and whether probable cause exists to make an arrest.

### **DOCUMENTATION**

In addition to the video/audio recording of all show-ups, a Victim/Witness Certification Statement for Show-Ups form and a Show-Up Identification form shall be completed by the presenting officer for each victim/witness who views a show-up, regardless of whether or not a positive identification is made. Officers should also consider using other identification procedures (e.g. live line-up, photo-pack) for any subsequent victims/witnesses, if a positive identification is made from one victim/witness.