



Sturbridge Police Department Policy Manual Standard Operating Procedure

Chapter: 300 – Field Operations

Section: 300 – 1 Eyewitness Identification

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I. General Considerations and Guidelines

Police identification procedures are an important consideration for establishing the identity of a criminal offender. They are equally significant in clearing an innocent suspect. The police must, therefore, be careful to ensure that their eyewitness identification procedures are not conducted in an unnecessarily or impermissibly suggestive manner and that they do not contribute to mistaken identification.

Many people who have been convicted of serious crimes, only to later be exonerated by scientific evidence, were originally convicted based in large part on mistaken identification by a witness. Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide, playing a role in over 75% of convictions overturned through DNA testing. This department recognizes that it is as much the responsibility of the police to protect the innocent from conviction as it is to assist in the conviction of the guilty. The identification of criminal offenders must be approached with extreme caution as the court may exclude evidence if it is improperly obtained, if improper identification procedures are used, a court may not only exclude the out-of-court identification, but can also, in certain circumstances, exclude subsequent in-court identification. The court will carefully examine the identification procedure and the manner in which it was conducted to determine whether the police influenced the witness, intentionally or unintentionally.

II. Policy

A. It is the policy of the Sturbridge Police Department that:

1. Eyewitness identifications of potential criminal suspects shall be conducted in a fair, objective, and non-suggestive manner.
2. Persons subjected to procedures which are intended to lead to the identification of persons who are suspected of or charged with criminal offenses are afforded their Sixth Amendment right to counsel, when required.
3. The Due Process provisions of the Fifth and Fourteenth Amendments, which require identification procedures utilized by the police to comply with standards of fairness so as not to be unduly suggestive, are observed.

B. Definitions

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Table of Contents Police Standard Operating Procedures Manual

1. Understanding the eBook Police Standard Operating Procedures Manual
 - The Rise of Digital Reading Police Standard Operating Procedures Manual
 - Advantages of eBooks Over Traditional Books
2. Identifying Police Standard Operating Procedures Manual
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Police Standard Operating Procedures Manual
 - User-Friendly Interface
4. Exploring eBook Recommendations from Police Standard Operating Procedures Manual

- Personalized Recommendations
 - Police Standard Operating Procedures Manual User Reviews and Ratings
 - Police Standard Operating Procedures Manual and Bestseller Lists
5. Accessing Police Standard Operating Procedures Manual Free and Paid eBooks
 - Police Standard Operating Procedures Manual Public Domain eBooks
 - Police Standard Operating Procedures Manual eBook Subscription Services
 - Police Standard Operating Procedures Manual Budget-Friendly Options
 6. Navigating Police Standard Operating Procedures Manual eBook Formats
 - ePub, PDF, MOBI, and More
 - Police Standard Operating Procedures Manual Compatibility with Devices
 - Police Standard Operating Procedures Manual Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Police Standard Operating Procedures Manual
 - Highlighting and Note-Taking Police Standard Operating Procedures Manual
 - Interactive Elements Police Standard Operating Procedures Manual
 8. Staying Engaged with Police Standard Operating Procedures Manual
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Police Standard Operating Procedures Manual
 9. Balancing eBooks and Physical Books Police Standard Operating Procedures Manual
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Police Standard Operating Procedures Manual
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Police Standard Operating Procedures Manual
 - Setting Reading Goals Police Standard Operating Procedures Manual
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Police Standard Operating Procedures Manual

- Fact-Checking eBook Content of Police Standard Operating Procedures Manual
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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