



## Sturbridge Police Department Policy Manual Standard Operating Procedure

Chapter: 300 – Field Operations

Section: 300 – 1 Eyewitness Identification

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Effective Date: 1/13/2012

MPAC Standards: 1.2.3, 42.2.3

Revision Number/Date: 1 – 1/13/2012

### 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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