

# EXECUTIVE ORDER



DISTRICT OF COLUMBIA

<b>Subject:</b> Revised PD Form 122-A (Photo Array Identification Instructions and Viewing Sheet) and PD Form 122-B (Show-Up Identification Instructions and Viewing Sheet)
<b>Number</b> <b>EO-17-035</b>
<b>Effective Date</b> <b>December 12, 2017</b>
<b>Related To:</b> GO-PCA-304.07 (Procedures for Obtaining Pretrial Eyewitness Identification)
<b>Rescinds:</b> EO-17-029 [Revised PD Form 122-A (Photo Array Identification Instructions) and PD Form 122-B (Show-Up Identification Instruction and Viewing Sheet)], Effective Date October 6, 2017

The purpose of this executive order is to announce revisions made to the PD Form 122-A (Photo Array Identification Instructions and Viewing Sheet) (Attachment A) and PD Form 122-B (Show-Up Identification Instructions and Viewing Sheet) (Attachment B). When eliciting a statement of confidence from a witness, if a witness does not volunteer one, the forms provide revised instructions directing members to remind the witness that they were told that the member is required to ask them for a statement of confidence.

The updated forms are available on MPD Online Forms on the MPD Intranet. Members shall discard previous versions of these two forms and begin using the revised forms immediately.

Peter Newsham  
Chief of Police

PN:KDO:MOC:BK

METROPOLITAN POLICE DEPARTMENT

Investigative Services Bureau

UNIT

INVESTIGATOR

(1) PHOTO ARRAY IDENTIFICATION INSTRUCTIONS

In a moment, you will be shown some photographs. The group of photographs may or may not contain a photograph of the person/one of the people who:

**(a) For the victims: [detective shall insert the name of crime, such as robbed, assaulted]** you;

**(b) For a witness to the crime:** you saw **[detective shall insert the name of crime, such as rob, assault]**  
the victim; **or**

**(c) For a witness to circumstances, but not the crime:** you saw **[detective shall insert what the witness said they saw]**

As you know, a person may look different in a photograph than in real life because of changes in hair styles, facial hair, glasses, and so forth. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.

Let me know if you see the person who **[insert from (a), (b) or (c) above]**. Do not assume that I know who it is. If you select one of the photographs, I am required to ask you how confident you are. I cannot tell you whether you selected the "right" person or the "wrong" person. The Metropolitan Police Department will continue to investigate this crime whether or not you pick someone from the group of photographs.

**[For sequential photo arrays only]** I am going to show the photographs to you one at a time. Our regulations require that you look at all of the photographs in this array. So if you select one of the photographs before you get to the end, I will still ask you to look at the rest.

Please do not discuss this procedure or any photograph you selected (or did not select) with any victim or witness to this crime.

Do you have any questions before we begin? Yes                      No

Witness signature before array shown:

WITNESS NAME (print):

(2) PHOTO ARRAY IDENTIFICATION SHEET

- DID THE WITNESS IDENTIFY A PHOTOGRAPH? Yes            No
  - If Yes, did the witness identify the photograph IMMEDIATELY? Yes            No
    - If not immediately, APPROXIMATELY how many seconds after he or she looked at the array/photograph did he or she identify the witness?
  
- NUMBER of the photograph the witness selected:
  
- WHAT DID THE WITNESS SAY?
  
- DID THE WITNESS DISPLAY ANY EMOTIONS, GESTURES, BODY LANGUAGE? Yes            No
  - If Yes, describe:
  
- STATEMENT OF CONFIDENCE IF THE WITNESS SELECTS SOMEONE: *(If the witness does not volunteer a statement of confidence, remind the witness: "As I just told you, I am required to ask you for a statement of confidence. Can you tell me how confident you are?"*)
  
- IF MORE THAN ONE PERSON/PARTICIPANT: "Can you briefly describe what you saw this person do?"

(3) RECOGNITION OF ANYONE ELSE

- DO YOU RECOGNIZE ANYONE ELSE IN THE ARRAY? Yes            No            NUMBER
  
- IF SO, HOW OR WHERE DO YOU RECOGNIZE OR KNOW HIM OR HER FROM?

Signature of WITNESS after he or she makes a decision:

Witnessed by:

(signature)

(print name and badge number)

CCN:

PHOTO ARRAY (SHOWN IN THE FOLLOWING PDID # ORDER)

- |          |          |
|----------|----------|
| 1. PDID# | 6. PDID# |
| 2. PDID# | 7. PDID# |
| 3. PDID# | 8. PDID# |
| 4. PDID# | 9. PDID# |
| 5. PDID# |          |

OTHER PERSON(S) PRESENT:

DATE OF VIEWING:

TIME OF VIEWING:                      START                                      END

LOCATION OF VIEWING:

METROPOLITAN POLICE DEPARTMENT

Investigative Services Bureau

UNIT

INVESTIGATOR

(1) SHOW UP IDENTIFICATION INSTRUCTIONS

We have located someone we want you to take a look at. This person may or may not be the person/one of the people who:

**(a) For the victims: [detective shall insert the name of crime, such as robbed, assaulted]** you;

**(b) For a witness to the crime:** you saw **[detective shall insert the name of crime, such as rob, assault]**  
the victim; **or**

**(c) For a witness to circumstances, but not the crime:** you saw **[detective shall insert what the witness said they saw]** .

Let me know if it is the person. If you make an identification, I am required to ask you how confident you are. The Metropolitan Police Department will continue to investigate this crime whether or not you identify him/her. Please do not discuss this procedure or any person you selected (or did not select) with any victim or witness to this crime.

Do you have any questions? Yes                      No

LOCATION OF VIEWING:

WITNESS NAME (print):

(2) SHOW UP IDENTIFICATION SHEET

- DID THE WITNESS IDENTIFY THE PERSON? Yes No
  - If Yes, did the witness identify the person IMMEDIATELY? Yes No
    - If not immediately, APPROXIMATELY how many seconds after he or she looked at the person did the witness identify the person?
  
- WHAT DID THE WITNESS SAY?
  
  
  
  
  
  
  
  
  
  
- DID THE WITNESS DISPLAY ANY EMOTIONS, GESTURES, BODY LANGUAGE? Yes No
  - If Yes, describe:
  
  
  
  
  
  
  
  
  
  
- STATEMENT OF CONFIDENCE IF THE WITNESS IDENTIFIES THE PERSON: (*If the witness does not volunteer a statement of confidence, remind the witness: "As I just told you, I am required to ask you for a statement of confidence. Can you tell me how confident you are?"*)
  
  
  
  
  
  
  
  
  
  
- IF MORE THAN ONE PERSON/PARTICIPANT: ("Can you briefly describe what you saw this person do?")

Signature of WITNESS after he or she makes a decision:

CCN:

NAME OF PERSON SHOWN TO WITNESS:

ADDRESS/TELEPHONE #/CELLPHONE #

OF PERSON SHOWN TO WITNESS: