



TRANSIT POLICE

PHOTO PACKS

Effective Date: April 14, 2010

Revised Date: March 1, 2016

Reviewed Date:

Review Frequency: As Required

Office of Primary Responsibility: Inspector Operations

DEFINITIONS

CABS – Computerized Arrest and Booking System.

Chief Officer – The Transit Police Chief Officer or delegate.

Designated Constables – The Transit Police police officers appointed by the Police Board.

FIS – Forensic Identification Section of a Jurisdictional Police Department.

JPD – Jurisdictional Police Department.

Member – Designated Constable, the Chief Officer or a Deputy Chief Officer of the Transit Police.

Transit Police – The South Coast British Columbia Transportation Authority Police Service.

POLICY

1. Transit Police recognizes that photo line-ups and photo packs are useful tools in many types of investigations. It is imperative that the presentation of a photo pack is conducted in strict accordance with court defined procedures. This will ensure a fair photo pack presentation and will enhance subsequent admissibility of the identification evidence in court.
2. Members making arrests will not return suspects directly to witnesses for purposes of identification. If necessary, the Member will arrange for the suspect to be identified through a photo pack procedure.

PROCEDURES

Overview of Photo Pack Procedure

3. Members will only use a photo pack presentation to gather photo identification evidence.
4. A photo pack should be presented to a witness as soon as practicable after the event, while witness memories are still fresh. Where the presentation of the photo

pack may hinder the progress of an investigation, the presentation may be delayed until a more appropriate time.

5. A photo pack used for a photo presentation will contain 10 photographs, to be shown sequentially.
6. A photo pack presentation will be conducted by a police officer who does not know the identity of the suspect, and is not involved in the investigation.

Obtaining/Constructing a Photo Pack

7. Members will contact the JPD FIS Technician either by phone, email or in person and request a 10-person photo pack.
8. To enable proper completion of a photo pack, Members will provide the following information to the FIS Technician:
 1. Date of request;
 2. File number;
 3. Investigating Member;
 4. Section / Watch;
 5. Caption Name (e.g., COM, VIC, WIT, Location);
 6. Offence;
 7. Suspect name, date of birth, FPS number;
 8. Location of suspect photograph (e.g. Vancouver Police, Surrey RCMP);
 9. If the photograph is from another agency, include that agency's file number associated with that photograph; and
 10. The number of photo packs required.
9. Members may also create their own 10-person photo pack using CABS at either the JPD or Transit Police (if implemented). Members will follow these instructions when creating a photo pack from CABS (or as otherwise instructed for a specific JPD CABS)
 - Open CABS;
 - Select OFFENDER MODULE;
 - Click on OPTIONS and select VIEWING;
 - Ensure Line-up options are set on 2 row and 5 columns and click on OK;
 - Enter your suspect's name and go through the normal process;
 - After filling all then places of the Line-up click on PRINT;
 - Select PHOTO PACK and ten individual photographs will be processed;
 - Print the data sheet as well in the same drop down menu;
 - SAVE the photo pack, as you may not be able to reproduce it at a later date (photos used may have been purged).
10. When Members are creating the 10-person photo pack and there is no recent JPD (or Transit Police) CABS photograph of the suspect available, Members will:
 1. Query the suspect on CPIC and contact the police agency with the most recent photograph of the suspect to obtain a copy of that photograph;

2. Request filler photographs from the same police agency to ensure that the background and format of the photographs are consistent;
 3. Request a copy of the booking sheet information related to their suspect and the filler photographs; and
 4. Record the name and PIN information of the police officer from the agency that is assisting them.
11. Where there is no photograph available from a police agency, Members may use *Criminal Code* provisions to obtain a photograph from another agency.

[See also: OD290 – Driver Licence Photographs]

12. Members will ensure that the photographs to be used were obtained under the provisions of Section 2 of the *Identification of Criminals Act* (i.e., taken for a lawful purpose).
13. A photo pack will be made up of either all colour, or all black and white photographs. Color photographs will be used whenever possible.
14. The photographs used in the photo pack should resemble as closely as possible the witness' description. If that is not possible, the photographs should be as close as possible to the suspect. All photographs used in a photo pack should resemble each other in a fair manner.
15. No more than one suspect will be included in a photo pack.
16. All photographs in a photo pack will be of the same size and will be printed on similar paper.
17. There will be no identifying marks or numbers on the front of the photographs in any photo pack presentation.
18. The types of photographs used in a photo pack will not indicate or imply that the suspect may have a criminal record (e.g., mug shot with a police agency name or occurrence number).
19. Sufficient copies of each picture in a photo pack will be prepared to allow a separate photo pack to be used for each witness who will be receiving a photo pack presentation.
20. Each witness will be presented with a separate photo pack for each suspect.

Use of Temporary Exhibit Locker Process

21. If the constructing Member is unable to transfer the photo pack in person to the presenting Member prior to the end of their shift, or due to other practicable reasons, the following temporary exhibit locker process may be used:
 1. The constructing Member will place the prepared photo pack in a temporary exhibit locker and secure with a temporary exhibit seal, and then document the time and date, and locker and seal numbers on TP Form OZ160.

2. The constructing Member will advise their Supervisor (or Watch Commander where applicable) of the securing of prepared photo pack in temporary exhibit locker and the need for the assigned presenting Member to be notified so that retrieval of the photo pack can occur for presentation.
3. The constructing Member will record actions taken in their notebook (including listing of the temporary exhibit locker number and seal number) and do an OR page to PRIME General Occurrence (GO) file.
4. The Supervisor (or Watch Commander where applicable) will notify the assigned presenting Member of the location of the photo pack for retrieval.
5. The presenting Member will attend to the specified temporary exhibit locker and cut the seal, and record the time and date, and locker number and seal number in the correct sections on the TP Forms OZ160 and OZ170.
6. The presenting Member will record photo pack retrieval actions in their notebook (including the temporary exhibit locker number and seal number) and add the information to the OR page on PRIME.
7. The presenting Member will retain the cut temporary exhibit seal and place into evidence with the photo pack presentation results.

Recording and Documenting the Photo Pack Presentation

22. All Members will use the following forms when constructing and presenting a photo pack:
 - Form OZ160: Photo Pack – Constructing Member Checklist
 - Form OZ170: Photo Pack – Presenting Member Checklist
 - Form OZ180: Photo Pack – Presentation Instructions and Ballot.
23. When a photo pack presentation is conducted, the Members will make notes in their notebook and document the circumstances surrounding the presentation in the GO report on PRIME.
24. After completion of a photo pack presentation, the presenting Member will photocopy the front and back of each photo for court purposes. These photocopies will be included with any other attachments into the GO report.

Presenting the Photo Pack to Witnesses

25. A photo pack presentation will be conducted an “Independent Member”. If this is not feasible, the investigating Members will document the reasons on file and in their notebook, and obtain approval of their Supervisor prior to presenting the photo pack.

Independent Member - A Member who has not been and presently is not involved in the investigation of the case, and has not been advised by the investigating Members as to the identity of the suspect.

26. The entire process of viewing the photo pack will be videotaped (including audio). If video is not available, the process will be audio taped. Both recording processes will

commence when the presenting Member meets the witness until the completion of the interview.

27. The presenting Member will use Form OZ170: Photo Pack – Presenting Member Checklist and Form OZ180: Photo Pack – Presentation Instructions and Ballot for presenting the photo line-up.
28. A photo pack will be presented to each witness separately from other witnesses.
29. Each of the 10 photographs will be presented to the witness sequentially and in random order.
30. The presenting Member will shuffle the photographs (face down) and stack them face down, and explain that they will be shown in random order.
31. The photographs in the photo pack will be presented one at a time to the witness to view (only one visible at any time). After each photograph is viewed, the presenting Member will turn over the photograph and on the back place the order number of the photograph, their initials, badge number, and the time and date.
 1. Photographs will be numbered from one to ten as they are turned over. This numbering is used to advise the court of the order that the photographs were presented to the witness.
32. The presenting Member will allow the witness as much time as they need to view each photograph, and advise that a decision must be made prior to presenting the next photograph. Once the witness has made a decision, the presenting Member will then give another photograph to view. The entire photo pack is to be shown.
33. If the witness requests a second viewing of the photo pack, the presenting Member will shuffle the photographs (so order of photographs changes), and present again one photograph at a time, following the same procedure used during the initial presentation. Even if the witness asks to only see a specific photograph, the presenting Member will show the entire photo pack again.
 1. It is important that the presenting Member make note of each such request and ensure that only one photograph is viewed by the witness at a time.
 2. Even if the witness asks to compare photographs, the presenting Member will explain to the witness that the only comparison wanted is between the photo being viewed and the witness's memory of the person he/she witnessed at the time of the incident.
 3. The order of the photographs must be noted for Court purposes, as well as the fact that it is the second viewing.
34. If a photograph is selected by the witness, the presenting Member will instruct the witness to turn over the photograph and place their signature on the back of the photograph. The presenting Member will then immediately sign the back of the same photograph, including their badge number and the time and date, and order number of photograph.

35. The presenting Member will ask the witness if they have any comments on the identification that they made.
36. The witness will then initial the remaining photographs on the back (so that witness can state in court if they are in fact the photographs he/she viewed).
37. Nothing must be done to indicate to a witness which photograph is of the person whom the police suspect, and there must be no suggestion or guidance that could be considered as being unfair to the suspect. Members will not discuss with the witnesses their ability or inability to make an identification before, during, or after the presentation.
38. If the identification process occurs on police premises, on completion of the photo pack presentation, the presenting Member will take reasonable steps to escort the witness from the police premises to prevent any potential feedback by Members involved in the investigation and cross-contamination by contact with other witnesses.
39. If positive identification is made, all the photographs must be treated as an exhibit and held for court purposes.
40. The front of an exhibit photograph must not be marked.
41. If no identification is made, the presenting officer will seal all of the photographs presented and add a text page in the PRIME General Occurrence (GO) report advising of the disposition of the photo pack presentation.
42. If a witness makes an identification, the balance of photographs not yet viewed will be shown in accordance with this procedure.

Reporting

43. The construction and presentation of a photo pack will be fully documented through the use of checklists and Member's notes. Members will also ensure that Form OZ170: Photo Pack – Presenting Member Checklist and Form OZ180: Photo Pack – Presentation Instructions and Ballot are completed and that any other necessary information is recorded in the GO report.
44. Any deviation from the above guidelines will be discussed with a Supervisor. If approved, the reasons must be articulated in the Member's and Supervisor's notebooks.