

**GENERAL ORDERS MANUAL  
WESTERN MICHIGAN UNIVERSITY  
DEPARTMENT OF PUBLIC SAFETY**

**I. PURPOSE**

The purpose of this policy is to establish guidelines for eyewitness identification procedures using photographic lineups, live lineups, and showups.

**II. POLICY**

It is the policy of this department that eyewitness identification be conducted in a manner most likely to assess witnesses' true and reliable recollections in compliance with state and federal constitutional requirements. WMU officers shall afford witnesses, suspects, and defendants all legal rights that are afforded any citizen. The core objectives of this policy are to ensure constitutional rights by improving the ability of law enforcement officials to act appropriately during eyewitness identifications.

**III. DEFINITIONS**

**Double-blind presentation** or **lineup** means the law enforcement official (and witness) do not know which photograph or person is the suspect. Double-blind is the proper term to use but is often used interchangeably with the term "blind" and means the same thing.

**Blinded administration** is when the officer knows the suspect's identity but cannot tell which suspect is being viewed at a given time, such as through use of the folder shuffle method.

**Sequential presentation** is a display of photographs or persons one at a time, where the law enforcement official retrieves one before presenting another.

**Simultaneous presentation** is a display of photographs or persons presented at the same time, either manually constructed or computer generated.

**Showup** is the presentation of a live person in the field who is close in time and proximity to the incident under investigation.

**Confidence statement** is a witness's statement about his or her selection and the confidence with which it is made. It is taken immediately after the selection has been made.

**IV. PROCEDURES**

Instructions to witnesses shall be read from the Eyewitness Identification form, which shall also include a witness's affirmation of his or her confidence statements. A video record with audio is the preferred method of documenting the presentations. Presentations, forms, and video records shall be treated as evidence, with documentation included in the police report, whether or not the witnesses made identifications.

If a photo lineup is developed electronically, the lineup shall be printed for documentation. Officers shall provide a written justification for using a live or photographic presentation other than a double blind or blinded presentation.

A. Obtaining a Description of the Suspect/Perpetrator:

Prior to any lineup, the investigating officer shall record a thorough description of the suspect from each eyewitness, taken separately for each eyewitness, in his or her own words.

B. Witness Instructions: (4.1.2.d)

Prior to the start of the identification procedure, the officer shall read the witness instructions. Specific instructions for photographic lineups, live lineups, and showups are included on the Eyewitness Identification Forms. The witness shall sign the form to indicate that he or she understands the instructions.

C. Photographic Lineup: (4.1.2.b)

1. Organizing a Photographic Lineup

- (a) Include only one suspect in each identification procedure, with a minimum of five fillers.
- (b) Fillers shall match the witness's description of the perpetrator in significant features, including any unique or unusual features.
- (c) All photographs shall be contemporary and similar in size. There should be consistency in personal features across all pictures.
- (d) The photographs shall be numbered.
- (e) When conducting a single lineup for multiple witnesses, renumber photographs for each witness.
- (f) For offenses with multiple suspects, use different fillers in each photo lineup.

2. Conducting a Photographic Lineup (4.1.2.b)

- (a) Whenever possible, a blind administrator, e.g. an officer who does not know the suspect's identity, should conduct the procedure. If that is not practicable, a blind administration technique such as the folder shuffle may be used.
- (b) Prior to the presentation, read instructions to the witness on the Photo Lineup Eyewitness Identification Form, ensuring and documenting that they understand the instructions.
- (c) If conducting a simultaneous presentation photographs are presented at the same time.
- (d) If using sequential presentation:
  - (i) The officer shall display the photographs to the witness by replacing one photograph with another so that no two are presented at the same time.
  - (ii) The officer shall present each photograph to the witness, even if the witness identifies a previous photograph as the suspect.
  - (iii) At the request of the witness, the officer may present the photographs again; each photograph must be presented and presented sequentially.

- (iv) After each photograph is presented, ask if the witness recognizes the person. Even if the witness identifies a previous photograph as the suspect, present each photograph in the series.
- (v) At the request of the witness, the officer may present the photographs one more time.
- (vi) If an identification is made, record a statement of confidence on the Photo Lineup Eyewitness Identification Form, which shall be signed by the witness.

**D. Blinded Administration / The Folder Shuffle Method**

The Folder Shuffle Method was devised to address concerns surrounding limited resources while removing any possibility of suggestiveness in the procedure. Should the investigating officer of a particular case be the only law enforcement personnel available to conduct a photo lineup, the following instructions are recommended:

1. Use one suspect photograph that resembles the description of the perpetrator by the witness, five filler photographs that match the description, and ten folders (four of the folders will not contain any photos and will serve as 'dummy folders').
2. Affix one filler photo to Folder #1 and number the folder.
3. The individual administering the lineup shall place the suspect photograph and the other four filler photographs into Folders #2-6 and shuffle the photographs so that he is unaware of which folder the suspect is in, and then number the remaining folders, including Folders #7-10, which will remain empty (this is done so that the witness does not know when he has seen the last photo).
4. Prior to the presentation, read instructions to the witness from the form in Section V, ensuring and documenting that they understand the instructions.
5. Without looking at the photo in the folder, the administrator is to hand each folder to the witness individually. Each time the witness has viewed a folder, the witness should indicate whether or not this is the person the witness saw and the degree of confidence in this identification, and return the photo to the administrator. The order of the photos should be preserved, in a facedown position, in order to document at a later time.
6. The administrator should then document and record the results of the procedure, including the order of the folders used.
7. If an identification is made, record a statement of confidence on the Eyewitness Identification Folder Method form.

**E. Live Lineups (4.1.2.c)**

1. Organizing a Live Lineup
  - (a) Determine when a live lineup is appropriate by considering the availability of witnesses and lookalikes.
  - (b) Include only one suspect in each identification procedure, with a minimum of four fillers.
  - (c) Select fillers who generally fit the witness's description of the suspect. No participant should stand out in the lineup.
  - (d) When conducting more than one lineup due to multiple witnesses, consider placing the suspect in different display positions.
  - (e) When showing a new suspect, avoid reusing fillers in lineups shown to the same witness.

2. Conducting a Live Lineup

- (a) Live lineups shall be conducted by a blind administrator, who is unaware of the suspect's identity.
- (b) Prior to a presentation, the law enforcement official shall read the witness instructions from the Live Lineup Eyewitness Identification Form. This is to ensure and to document the witness understands the instructions.
- (c) If conducting a simultaneous lineup, participants are presented at the same time.
- (d) If conducting a sequential lineup:
  - (i) Begin with all lineup participants out of view of the witnesses and present each participant to the witness separately, in a previously determined order, removing those previously shown.
  - (ii) The law enforcement official shall present each participant to the witness, even if the witness identifies a previous participant as the suspect.
  - (iii) After each lineup member is presented, ask if the witness recognizes the person.
  - (iv) At the request of the witness, the law enforcement official may present the participants again, each participant must be presented and presented sequentially.
- (e) If an identification is made, record a statement of confidence on the Live Lineup Eyewitness Identification Photo Lineup Form in the WITNESS STATEMENT OF CONFIDENCE section, which shall be signed by the witness.

F. Show ups (4.1.2.a)

Consider if a photo lineup can be conducted instead of a showup for: increased control, minimizing observable nervousness, and improved logistics. However, when circumstances require the prompt display of a suspect to the witness, the following guidelines shall be followed.

- 1. Showups shall be conducted only when the suspect is detained within a reasonably short timeframe following the offense.
- 2. The witness shall be transported to the suspect's location, whenever possible.
- 3. Presentations shall be recorded when possible.
- 4. Prior to the presentation, read instructions to the witness from the Showup Eyewitness Identification form, ensuring and documenting that they understand the instructions.
- 5. Officers shall avoid suggestive words or conduct such as presenting the suspect in handcuffs, from the backseat of a patrol car, or being physically restrained by police.
- 6. Separate witnesses to avoid communication among them, and obtain a thorough description of the suspect from each witness separately prior to the showup. A suspect shall only be viewed by one witness at a time, out of the presence and earshot of other witnesses.
- 7. If an identification is made, record a statement of confidence on the Showup Eyewitness Identification form, which shall be signed by the witness.

G. Witness Confidence Statement (4.1.2.d, 4.1.2.e)

Regardless of the type of identification procedure employed, if an identification is made, the officers shall ask the witness immediately for a statement of confidence in his or her selection in his or her own words. The statement shall be documented by the officer and signed by the eyewitness.

H. Documenting the Identification Procedure (4.1.2.f)

The identification procedure shall be carefully documented. The preferred method of documenting the identification procedure is a video record with audio. Documentation, which shall be treated as evidence, shall include the following:

1. Name of the administrator and eyewitness.
2. Date and time of the identification procedure.
3. Names and sources of fillers used in photo and live lineups.
4. In a photo or live lineup, any eyewitness identification of a filler.
5. All identification and non-identification results obtained during the procedure, including witness confidence statements, signed by the witness.
6. If a photo lineup is developed electronically, the lineup shall be printed for documentation.

**Issued Date:** 09/16/16  
**Revised Dates:** 08/30/19, 09/09/2020

**Issued by:**

A handwritten signature in blue ink that reads "Scott Merlo". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Scott Merlo**  
**Director of Public Safety**

**WESTERN MICHIGAN UNIVERSITY POLICE DEPARTMENT  
LINEUP IDENTIFICATION CHECKLIST**

**Ensure lineup is conducted with a blind administrator/"blinded" administrator using the folder shuffle method.**

- "Blind" means the administrator does not know the identity of the suspect in the lineup.
- "Blinded" means the administrator may know who the suspect is, but by virtue of the use of procedures and/or technology to accomplish this purpose, does not know which lineup member is being viewed by the eyewitness.

**Provide the following lineup instructions to the witness.**

- The perpetrator may or may not be among the person in the identification procedure.
- The administrator does not know who the suspect is.
- You should not feel compelled to make an identification.
- The investigation will continue whether or not an identification is made.
- The procedure requires the administrator to ask you to state, in your own words, how certain you are of any identification.
- You should not discuss the identification procedure or its results with other eyewitnesses involved in the case and you should not speak with the media.

**Ensure all fillers/non-suspect photos match the description of the perpetrator provided by the witness.**

- Record the description that the witness gave of the perpetrator. The lineup will be composed of fillers that generally resemble the description of the perpetrator in significant features (i.e., face, weight, build, skin tone, etc.), including any unique or unusual features (i.e., scar, tattoo, etc.).

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**Record the witness' confidence statement.**

- If the witness makes an identification, the administrator should document below in the witness' own words, how confident he/she is that the individual identified is the perpetrator.
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**WESTERN MICHIGAN UNIVERSITY POLICE DEPARTMENT**

Eyewitness Identification Form: **Live Lineup**

Case Number: \_\_\_\_\_  
Law Enforcement Official Name: \_\_\_\_\_  
Date and Time of Presentation: \_\_\_\_\_  
Witness Name: \_\_\_\_\_  
Attorney Name & P-Number, if present: \_\_\_\_\_

**INSTRUCTIONS** (Read by law enforcement official to witness)

In a moment I'm going to show you some individuals. The person who is involved in the crime may or may not be among them. You will be shown all of the individuals and you may take your time looking at them. You should not feel compelled to make an identification. The police department will continue to investigate the incident whether or not you select someone.

If you pick an individual, I'm going to ask you to explain why you picked that person and to describe how confident you are in your selection.

Please do not ask questions about the person you have selected because we cannot share that information with you at this time. Since this is an ongoing investigation, you should not discuss the identification procedures or the results with other people.

Do you understand these instructions?

**WITNESS SIGNATURES**

I, \_\_\_\_\_, affirm that I read or was read the instructions above, that I understand the instructions, and that the statement written by the law enforcement official accurately reflects what I said. Finally, I understand that I should not talk to other people about the photos or tell them which photo I picked, if any.

Signature of Witness \_\_\_\_\_

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(FILLED OUT BY LAW ENFORCEMENT) **WITNESS STATEMENT OF CONFIDENCE**

Witness picked individual number:

Witness confidence statement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WESTERN MICHIGAN UNIVERSITY POLICE DEPARTMENT**

Eyewitness Identification Form: **Photo Lineup**

Case Number: \_\_\_\_\_  
Law Enforcement Official Name: \_\_\_\_\_  
Date and Time of Presentation: \_\_\_\_\_  
Witness Name: \_\_\_\_\_  
Attorney Name & P-Number, if present: \_\_\_\_\_

**INSTRUCTIONS** (Read by law enforcement official to witness)

In a moment I'm going to show you some photographs. A photograph of the person who is involved in the crime may or may not be among them. You will be shown all of the photographs and you may take your time looking at them. You should not feel compelled to make an identification. The police department will continue to investigate the incident whether or not you select someone.

If you pick a photograph, I'm going to ask you to explain why you picked that photograph and to describe how confident you are in your selection.

Please do not ask questions about the person you have selected because we cannot share that information with you at this time. Since this is an ongoing investigation, you should not discuss the identification procedures or the results with other people.

Do you understand these instructions?

**WITNESS SIGNATURES**

I, \_\_\_\_\_, affirm that I read or was read the instructions above, that I understand the instructions, and that the statement written by the law enforcement official accurately reflects what I said. Finally, I understand that I should not talk to other people about the photos or tell them which photo I picked, if any.

Signature of Witness \_\_\_\_\_

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(FILLED OUT BY LAW ENFORCEMENT) **WITNESS STATEMENT OF CONFIDENCE**

Witness picked photograph number:

Witness confidence statement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WESTERN MICHIGAN UNIVERSITY POLICE DEPARTMENT**

Eyewitness Identification Form: **Showup**

Case Number: \_\_\_\_\_

Law Enforcement Official Name: \_\_\_\_\_

Date and Time of Presentation: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Attorney Name & P-Number, if present: \_\_\_\_\_

**INSTRUCTIONS** (Read by law enforcement official to witness)

In a moment you're going to view some people. The person who is involved in the crime may or may not be among them. You should not feel compelled to make an identification. The police department will continue to investigate the incident whether or not you select someone.

If you identify a person, I'm going to ask you to explain why you picked that person and to describe how confident you are in your selection.

Please do not ask questions about the person you have selected because we cannot share that information with you at this time. Since this is an ongoing investigation, you should not discuss the identification procedures or the results with other people.

Do you understand these instructions?

**WITNESS SIGNATURES**

I, \_\_\_\_\_, affirm that I read or was read the instructions above, that I understand the instructions, and that the statement written by the law enforcement official accurately reflects what I said. Finally, I understand that I should not talk to other people about the person I picked, if any.

Signature of Witness \_\_\_\_\_

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(FILLED OUT BY LAW ENFORCEMENT) **WITNESS STATEMENT OF CONFIDENCE**

Witness picked individual: YES/NO

Witness confidence statement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WESTERN MICHIGAN UNIVERSITY POLICE DEPARTMENT**

Eyewitness Identification Form: **Folder Method**

Case Number: \_\_\_\_\_  
Law Enforcement Official Name: \_\_\_\_\_  
Date and Time of Presentation: \_\_\_\_\_  
Witness Name: \_\_\_\_\_  
Attorney Name & P-Number, if present: \_\_\_\_\_

**INSTRUCTIONS** (Read by law enforcement official to witness)

In a moment I'm going to show you some folders that contain photographs. A photograph of the person who is involved in the crime may or may not be among them. You will be shown all of the photographs and you may take your time looking at them. You should not feel compelled to make an identification. The police department will continue to investigate the incident whether or not you select someone.

If you pick a photograph, I'm going to ask you to explain why you picked that photograph and to describe how confident you are in your selection.

Please do not ask questions about the person you have selected because we cannot share that information with you at this time. Since this is an ongoing investigation, you should not discuss the identification procedures or the results with other people.

Do you understand these instructions?

**WITNESS SIGNATURES**

I, \_\_\_\_\_, affirm that I read or was read the instructions above, that I understand the instructions, and that the statement written by the law enforcement official accurately reflects what I said. Finally, I understand that I should not talk to other people about the photos or tell them which photo I picked, if any.

Signature of Witness \_\_\_\_\_

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(FILLED OUT BY LAW ENFORCEMENT) **WITNESS STATEMENT OF CONFIDENCE**

Witness picked folder number:

Witness confidence statement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_