

**Oakland County Sheriff's Office  
General Order # 4.9**



<b>SUBJECT:</b> Eyewitness Identification		<b>NUMBER:</b> 4.9
<b>EFFECTIVE DATE:</b> 9/13/2023 <b>REVIEW DATE:</b> Annually		<b>MACP Standard Impact:</b> 4.1.2
<b>REPLACES AND RESCINDS:</b> P&P 115 Lineup	<b>DISTRIBUTION:</b> All Personnel	<b>NUMBER OF PAGES:</b> 15

This order replaces and rescinds all previously issued orders, procedures, rules and regulations, notices and/or practices in conflict with this General Order.

**I. PURPOSE**

The purpose of this order is to provide guidelines for preparing a non-suggestive photographic or corporeal lineup for the purpose of eyewitness identification of a suspect involved in an investigation.

**II. POLICY**

It is the policy of this agency that eyewitness identifications be conducted in a manner most likely to assess the witnesses' true and reliable recollections in compliance with state and federal constitutional requirements. The core objectives of this order are to ensure constitutional rights by improving the ability of law enforcement officials to appropriately conduct eyewitness identifications. Further, this order is intended to reduce misidentifications, improve the reliability of identifications and establish evidence that conforms to legal precedent.

**III. DEFINITIONS**

- A. Sequential Photographic Lineup: An array of photographs, including the suspect and five (5) individuals who are similar in appearance that are presented one at a time, as separate photos, to a witness for identification purposes.
- B. Simultaneous Photographic Lineup: A display of photographs of individuals that includes the suspect and five (5) individuals who are similar in appearance that is presented on a single sheet of paper to a witness for identification purposes, either manually constructed or computer-generated.
- C. Double-blind presentation or lineup: The deputy/investigator presenting the photographs and the witness do not know which photograph or person is the suspect. 'Double-blind' is also referred to as 'blind' and means the same.

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- D. Blinded Administration: The deputy/investigator knows the suspect's identity but cannot disclose which suspect is being viewed at a given time, such as through use of the folder shuffle method.
- E. Folder Shuffle Method: Another method of photographic lineup in which photographs are placed in numbered folders. Can be used when a second deputy/investigator is not available to conduct the double-blind lineup or the independent administrator conducting the lineup is the investigating deputy.
- F. Corporeal Lineup: A non-suggestive display of individuals that includes the suspect and five (5) individuals who are similar in appearance and who are presented one at a time to a witness for identification purposes; often referred to as a physical or live lineup.
- G. Show-Up: A presentation of a live person in the field who is close in time and proximity to the incident under investigation.
- H. Fillers: Individuals or photographs of individuals that resemble the suspect(s) and are used to fill in a lineup. A minimum of five (5) fillers will be used with any simultaneous or sequential lineup. Individuals who are suspects in the same case may not be used as fillers.
- I. Witness: A person, including a victim, who views photographs or body lineup.
- J. Independent Administrator: An investigator administering a lineup or photo array who has no knowledge of the suspect's identity. (Sometimes referred to as a 'Blind Administrator')
- K. Confidence Statement: A witness 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**

- A. Obtain a Description of the Perpetrator
  - 1. Prior to any lineup, deputies shall seek and document a thorough description of the perpetrator from each eyewitness, taken separately, in their own words. The reporting deputy should use quotation marks to indicate exact quotes from witnesses in the incident report. These descriptions should be videotaped whenever possible and those recordings shall be treated as evidence.
- B. Instructions Before Lineup/Show-Up (MACP Standard 4.1.2d)
  - 1. Instructions to witnesses shall be read from the Eyewitness Identification Form, where applicable, 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 case file of whether or not the witness made identification.

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**C. Photographic Lineup (MACP Standard 4.1.2b)**

1. A sequential lineup will be the preferred method of preparing and presenting a photographic lineup. Photographs may be generated using the mugshot system. A sequential lineup will also be used when the deputy cannot prepare a lineup from the mugshot system and must rely upon photographs from outside sources. These sources may include yearbook photographs, Secretary of State license photographs or other sources providing photographs that are not compatible with conducting a simultaneous lineup. The deputy/investigator will follow the guidelines listed below in creating the lineup to ensure that the suspect does not unduly stand out from the filler photographs used.
2. Organizing a Photographic Lineup
  - a. Only one suspect will be included in each lineup.
  - b. The deputy/investigator will select five (5) fillers who generally fit the witness description of the perpetrator provided by the witness; or, when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features including unique or unusual features.
  - c. All photographs shall be similar in size and composition. There should be consistency in personal features across all pictures. The deputy/investigator will ensure that no writings or information concerning previous arrests or identifications will be visible to the witness on any lineup.
  - d. The photographs shall be numbered.
  - e. When conducting a single lineup for multiple witnesses, renumber photographs for each witness.
  - f. If the witness has previously viewed a photo lineup in connection with the offense, use different fillers.
  - g. The deputy/investigator will view the lineup once it is completed to ensure that the suspect does not unduly stand out and appears only once in the lineup.
3. Conducting a Photographic Lineup
  - a. Whenever possible, a blind administrator should conduct the procedure. If that is not practical, a blinded administration technique such as the folder shuffle shall be used.
  - b. The deputy/investigator shall read the Witness Verbal Instructions from the form ensuring and documenting the witness understands the instructions. If multiple witnesses are involved, the deputy/investigator will separate the witnesses and give each witness instructions regarding the lineup without the other witnesses present. Witnesses should not be allowed to confer with one another before, during or after the procedure.
  - c. If conducting a simultaneous presentation, photographs shall be presented at the same time in the separate areas.
  - d. Sequential presentation:
    - i. The deputy/investigator shall display the photographs to the witness by replacing one photograph with another so that no two are presented at the same time.
    - ii. After each photograph is presented, the deputy/investigator shall ask if the witness recognizes the person. Even if the witness identifies a previous photograph as the suspect, present each photograph in the series.

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- iii. The deputy/investigator shall present each photograph to the witness, even if the witness identifies a previous photograph as the suspect.
- iv. To the extent possible, the lineup will be placed before the witness in such a way that the deputy/investigator is not holding or touching the lineup while the witness is viewing the lineup.
- v. The witness may look at the lineup for as long as the witness wishes. However, the deputy/investigator may not provide any feedback regarding the photographs.
- vi. At the request of the witness, the law enforcement official may present the photographs again; each photograph must be presented in the same sequential order as the first presentation.
- vii. If the witness identifies anyone in the lineup, the witness will be asked to sign and date the lineup or photograph, including the individual they identified. The lineup will become part of the investigative case file, along with a record of the statement of confidence on the Eyewitness Identification Form, which shall be signed by the witness.
- viii. If the witness identifies a suspect, the deputy/investigator will not provide the witness with any feedback regarding the individual selected or comment on the outcome of the procedure in any way.
- ix. The deputy/investigator will instruct the witness not to discuss the lineup or its results with other witnesses and will discourage the witness from discussing the case with the media.
- x. In the event there are multiple witnesses, each witness will be shown a clean copy of the lineup.
- xi. If the witness requests to see a specific photo after being shown the entire array, the deputy/investigator will show the entire array to the witness again in the same order in which it was initially presented.
- xii. When showing a lineup with a different suspect, the deputy/investigator will not use the same fillers used in previous lineups shown to the same witness.
- xiii. The deputy/investigator will document all lineup procedures, including the source of the photos used, the date and time the lineup was conducted, and the names of all persons present when the lineup was shown. Any lineup that a deputy/investigator shows to a witness, regardless of whether the witness makes an identification, will become part of the investigative case file and, in the case of a sequential lineup, will include documentation as to the order in which the photos were shown to the witness.
- e. Simultaneous Photographic Lineup
  - i. A simultaneous lineup may only be conducted with a supervisor's approval. Generally, it is not an approved method. The deputy/investigator should document both the need to conduct a simultaneous lineup and the name of the approving supervisor in a supplement.
  - ii. A simultaneous lineup will be constructed using photographs available from the PictureLink mugshot system. If a viable photo of the suspect is not available in the PictureLink system, a lineup may be generated using other sources that provide similar photographs of every individual to be used in the array. A lineup consisting of photographs provided by other agencies or data sources will be utilized only if it satisfies this directive's requirements.
- f. In composing a photographic lineup, the deputy/investigator will adhere to the following guidelines:

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- i. The double-blind procedure, in which neither the deputy/investigator conducting the lineup, nor the witness is aware of the suspect's identity, is the preferred method. If this method is not practical, an alternative technique of "blinded" administration may be used in which the deputy/investigator may know the suspect's identity but cannot see which photograph the witness is viewing at a given time.
  - ii. The suspect will not be placed in the first position of any lineup. The other members of the lineup will be placed randomly in the lineup. To the extent possible, the deputy/investigator will place the suspect in different positions in each lineup when lineups will be shown to multiple witnesses in the same case.
  - iii. The deputy/investigator will select fillers who generally fit the witness description of the perpetrator. When there is a limited or inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
  - iv. The lineup should maintain a consistent similarity of appearance between the suspect and fillers with respect to any unique or unusual features, such as scars or tattoos.
  - v. Complete uniformity of features is not required. The deputy/investigator may avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
  - vi. The photographs shall maintain overall consistencies such as color vs. black-and-white, the amount of body visible, the angle of the camera, the distance of the camera, the age of the photo (e.g., polaroid vs. digital photo), the background color and general hue of the photo.
  - vii. The deputy/investigator will ensure that no writings or information concerning previous arrests or identifications will be visible to the witness in any lineup.
  - viii. The deputy/investigator will view the lineup once it is completed to ensure that the suspect does not unduly stand out and appears only once in the lineup.
  - ix. When showing a lineup with a different suspect, the deputy/investigator will not use the same fillers used in previous lineups shown to the same witness.
- g. Blinded Administration (Folder Shuffle Method)
- i. Should the investigator of a particular case be the only law enforcement personnel available to conduct a photo lineup, the following instructions are recommended.
  - ii. One suspect photo and the 5 fillers will be placed into 10 identical numbered folders (four of the folders will not contain any photos and will serve as dummy folders).
  - iii. A filler photo will be placed in Folder #1
  - iv. The suspect photo and the other four (4) filler photos will be placed into Folder #2-6 and the folders will be shuffled so that the administrator is unaware of which folder contains the suspect's photo. The remaining Folder #7-10 will remain empty. This is done so that the witness does not know when they have seen the last photo.
  - v. Each time the witness has viewed a folder/photo, the administrator will ask the witness if the photo in the folder appears to be the suspect and his/her degree of confidence in the identification and will retrieve the photo from the witness.
  - vi. The order of the folders/photos should be preserved, in a face down position, for documentation.

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- vii. The administrator should then document and record the results of the procedure, including the order of the folders used.
  - viii. If an identification is made, record a statement of confidence on the Eyewitness Identification Form which shall be signed by the witness.
4. **Conducting a Show-Up (MACP Standard 4.1.2 a)**
- a. Show-ups allow an immediate eyewitness identification procedure in situations where they have temporarily detained a suspect. Show-ups may benefit innocent suspects since there is potential to clear an innocent person from suspicion. Consider if a photo lineup can be conducted instead of a show-up for: increased control, minimized observable nervousness, and improved logistics. However, when circumstances require the prompt display of a suspect to the witness, the following guidelines shall be followed:
    - i. Show-ups are allowed when a limited amount of time has elapsed since the crime was committed to eliminate innocent persons.
    - ii. Separate witnesses to avoid communication among them and obtain a thorough description of the suspect from witnesses separately prior to the show-up. Only one witness shall view a suspect at a time, out of the presence and earshot of other witnesses.
    - iii. Transport the witness, not the suspect, whenever possible
    - iv. The suspect should be presented as neutrally as possible. Deputies/investigators should avoid suggestive words or presenting a suspect in handcuffs or from the backseat of a patrol car.
5. **Corporeal Lineups (MACP Standard 4.1.2 c)**
- a. Corporeal lineups will be used most often in situations where an individual is in custody. If the suspect is not in custody; the suspect may be asked to voluntarily participate in a lineup or may be required to participate using a non-testimonial identification order. A corporeal lineup will be conducted at the Oakland County Jail and will be coordinated with the Main Jail Sergeant's office to ensure that the suspect is not scheduled for a court appearance and will be available at the facility in a timely manner. The Sergeant will make a daily inspection of the lineup schedule to ascertain if one is scheduled on his/her shift and schedule staffing appropriately. A corporeal lineup will be conducted under the guidance of the Oakland County Jail Procedure on Corporeal Lineups. A deputy/investigator conducting a corporeal lineup will adhere to the following guidelines:
    - i. Corporeal lineups shall be video- and audio-recorded beginning at the time the identifying witness enters the viewing area.
    - ii. All witnesses will be required to appear at Oakland County Jail at least one hour before the lineup to ensure their presence and to provide them with instructions regarding the lineup.
    - iii. The Prosecutor's Office will be notified of the lineup so that the appropriate Assistant Prosecuting Attorney may attend.
    - iv. The suspect's attorney (or the Public Defender's Office, when appropriate) will be notified on the day of the lineup at least three (3) hours prior to the lineup.
    - v. The deputy/investigator will request a meeting with the suspect and his attorney prior to the lineup to provide adequate time for lineup preparation.
    - vi. The deputy/investigator may give the suspect the option of picking other inmates to stand in the lineup. If the suspect declines, the deputy/investigator may select the individuals.

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- vii. If the deputy/investigator makes the selection, he/she will choose the individuals based on their similarities with the suspect's age, race and physical description.
- viii. The deputy/investigator will ensure that each of the fillers is dressed similarly to the suspect and that the lineup participants represent a non-suggestive lineup.
- ix. The suspect will not be placed in the first position of any lineup. If only one witness is viewing the lineup, the suspect and his attorney will be allowed to place the participants in the order in which they wish them to appear in the lineup. If multiple witnesses are involved, the deputy/investigator will, to the extent possible, place the suspect in different positions in each lineup. The other members of the lineup will be placed randomly in each lineup.
- x. Each participant will be given a visible number corresponding to their placement in the lineup and numbers will be exchanged as the participant's positions in successive lineups change.
- xi. A photograph of each lineup will be taken prior to its presentation, documenting the order in which the participants are presented, their clothing and general appearance.
- xii. An independent administrator will give instructions from the Eyewitness Identification Form to the witnesses and will conduct the lineup. The case investigator will not have contact with the independent administrator or the witnesses. If there are multiple witnesses, the independent administrator will be providing instructions and administering the lineup separately.
- xiii. Prior to viewing the lineup, the witness will be instructed that they will be looking at a series of individuals, one at a time, through a two-way mirror, through which the individuals in the lineup will not be able to see or hear the witness.
- xiv. Upon entering the viewing area, the witness will be given the opportunity to view the participants, one at a time, from the front and from the side. If it is necessary for the participants to perform any physical actions (speak a phrase, walk, etc.), each participant must perform the same actions.
- xv. After viewing all the participants, the witness will be asked if they recognize anyone in the lineup. If the witness recognizes anyone, the witness will be asked to state the circumstances from which the witness recognizes the individual. All the participants will be brought into the viewing area, even if the witness makes identification during the presentation. The suspect's attorney will not be allowed to question any witness.
- xvi. If the witness requests to see a specific individual after viewing the entire lineup, the deputy/investigator will present the entire lineup to the witness again in the same order in which it was initially presented.
- xvii. If the witness identifies a suspect, the deputy/investigator will not provide the witness with any feedback regarding the individual selected or comment on the outcome of the procedure in any way.
- xviii. After a witness has viewed the lineup, the deputy/investigator will instruct the witness not to discuss the lineup or its results with other witnesses and will discourage the witness from discussing the case with the media.
- xix. The deputy/investigator will record the results of the lineup and will include the exact words used by each witness in viewing the lineup. In addition, they will prepare a detailed supplement as to how the proceeding was conducted. The deputy/investigator will supplement the incident report and investigative case file and forward copies to the Prosecutor's Office.

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6. Witness Confidence Statement/Post-Presentation Interview/Documentation (**MACP Standard 4.1.2 e**)
  - a. Regardless of the type of identification procedure employed, if an identification is made, the deputy/investigator shall ask the witness immediately for a statement of confidence in his/her selection in his/her own words. The statement shall be documented by the deputy and signed by the eyewitness.
  
7. Documenting the Identification Procedure (**MACP Standard 4.1.2 f**)
  - a. The identification procedure shall be carefully documented. The identification procedure shall be video, and audio recorded. Documentation shall be treated as evidence and shall include the following:
    - i. Name of the administrator and eyewitness
    - ii. Date and time of the identification procedure
    - iii. Names and sources of fillers used in the photo and live lineups
    - iv. In a photo or live lineup, any eyewitness identification of a filler
    - v. All identification and non-identification results obtained during the procedure, including witness confidence statements, signed by the witness
    - vi. If a photo lineup is developed electronically, the lineup shall be printed for documentation.
    - vii. It shall be documented in the report as to why the investigator used a live or photographic presentation rather than a double-blind or blinded presentation.

**V. FORMS**

- A. Forms Included in this Order
  1. Eyewitness Identification Form: Photo Lineup
  2. Eyewitness Identification Form: Live Lineup
  3. Eyewitness Identification Form: Show-Up
  4. Eyewitness Identification Form: Folder Method
  5. Lineup Identification Checklist
  6. Lineup Request Information Form



**ISSUED BY:** Sheriff Michael J. Bouchard

# FORMS

## 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 \_\_\_\_\_

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

Witness picked photograph number:

Witness confidence statement:

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

# Eyewitness Identification Form: **Live Lineup**

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

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

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 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 lineup or tell them which individual 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:

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

# Eyewitness Identification Form: **Show Up**

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 the 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: YES/NO

Witness confidence statement:

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# 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:

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## 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 persons 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.).

**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.

## **The Folder Shuffle Method: A “Blinded” Administration Technique**

To enhance the accuracy of any eyewitness identification procedure, the officer administering a lineup should not know which lineup member is the police suspect. Eyewitness identification procedures should therefore be conducted by a non-investigating, or ‘blind,’ administrator.

Understandably, small police departments with limited officer manpower – or larger departments with officers conducting identifications in the field - may believe that the requirement of ‘blind administration’ of eyewitness procedures is unfeasible. Yet this need not be the case. Workable solutions have emerged to address this concern. Law enforcement agencies that have implemented this reform report that they are able to ‘blind’ the administrator without expending additional manpower resources. This is done through the time-tested ‘folder system’ or by means of emerging laptop technology.

### **THE FOLDER SHUFFLE METHOD**

The ‘Folder Shuffle Method’ was devised to address concerns surrounding limited resources while allowing for blind administration. 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 provided by the witness, five filler photographs that match the description but do not cause the suspect photograph to unduly stand out, 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 should 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. The administrator should provide instructions to the witness. The witness should be informed that the perpetrator may or may not be contained in the photos he is about to see and that the administrator does not know which folder contains the suspect.
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 in Step 6.
6. The administrator should then document and record the results of the procedure. This should include: the date, time and location of the lineup procedure; the name of the administrator; the names of all of the individuals present during the lineup; the number of photos shown; copies of the photographs themselves; the order in which the folders were presented; the sources of all of the photos that were used; a statement of confidence *in the witness’s own words* as to the certainty of his identification, taken immediately upon reaction to viewing; and any additional information the administrator deems pertinent to the procedure.

\* The information described above was informed by “Eyewitness Identification Procedure Recommendations” put forth by a Wisconsin Task Force as well as existing research on the folder shuffle.



# OAKLAND COUNTY SHERIFF'S OFFICE MICHAEL J. BOUCHARD

## LINE-UP REQUEST INFORMATION FORM

Please complete this Line-Up Request Information Form and FAX to [REDACTED]. Line-Ups are scheduled at 9:30 a.m. and 1:30 p.m., Monday through Friday, excluding holidays. We require a 24 hour notice. We reserve the right to cancel a line-up due to emergency situations at the Oakland County Jail. You will be advised of any cancellation as soon as possible.

**It is your responsibility to have an attorney present for the defendant during the line-up. If the subject does not have an attorney of record, contact the Court Administrator's Office at [REDACTED] to have an attorney assigned.**

Only (1) one subject per line-up. More than (3) three witnesses will require additional time. Special circumstances with witnesses will be evaluated on an individual basis.

**Not in custody Line-Ups are scheduled at 1:30 p.m.** It is your responsibility to advise the subject of the line-up to report to the Visitation area of the jail no later than 12:30 p.m. Failure to report on time will result in the cancellation of the line-up.

Department Name:

Name of Officer:

Telephone #:

Cell Phone#

Email Address:

Subject's Name (Last, First, MI):

W/F

B/F

W/M  B/M

Other:

Number of Witnesses:

Additional Information:

In Oakland County Jail:

YES

NO

Requested Date:

Time: 9:30 a.m.  1.30 p.m.

Your request will be verified by telephone upon receiving this completed form. Direct questions, special circumstances or cancellations call the Corrective Services Captain's Office [REDACTED] or [REDACTED]. The fax is [REDACTED]. Due to officers not advising the Oakland County Jail of cancellations, **it will be your responsibility to confirm a line-up with the Captain's Office by 4 p.m. the day prior to the scheduled line-up.** Monday afternoon line-ups will be confirmed by **8:00 a.m.** with Master Control [REDACTED]. Failure to confirm a line-up will result in cancellation. Officers, witnesses and attorneys must be on time or the line-up is subject to cancellation.