



POLICY & PROCEDURE

UW-GREEN BAY POLICE DEPARTMENT

SUBJECT:	Eye Witness Identification Procedure	SCOPE:	All Employees
CHAPTER:	6 Operations	NUMBER:	6.3.7
DISTRIBUTION:	Policy Manual	EFFECTIVE:	06/01/2013
APPROVED:	Tony Decker, Chief of Police	REVIEWED:	
REFERENCE:	175.50(2), Appx A, Appx B,	REVISED:	05/27/2016, 05/01/2022

I. PURPOSE

This policy is mandated by State Statute §175.50(2).

The purpose of this policy is to establish guidelines for the identification of suspects by eyewitnesses and to ensure compliance with *Wis. Stat.* §175.50, Eyewitness identification procedures.

II. POLICY

It is the policy of the University of Wisconsin Green Bay Police Department to minimize the risk of erroneous identification of innocent persons and maximize the reliability of identification of guilty persons by adhering to the uniform guidelines for witness identification established herein.

III. DEFINITIONS

- A. Composite Drawing: A pictorial depiction of a victim or eyewitness's memory of a suspect's face, as drawn by a composite artist.
- B. Live Lineup: The sequential presentation of a number of individuals, including a suspect, before an eyewitness for the purpose of confirming the identity of the suspect.
- C. Photo Array: The sequential showing of multiple photographs of individuals, including the photograph of a suspect, to an eyewitness for the purpose of confirming the identity of the suspect.
- D. Show up: The presentation of one suspect to an eyewitness within a short time period following the commission of a crime.

IV. PROCEDURE

A. General Guidelines

- 1. Eyewitness identification shall only be used when necessary; and used to confirm the identity of a suspect by a victim or witness. It will not be used when the victim or witness is familiar with the subject from prior

encounters, meaning they have independent knowledge of the suspect's identity that will enable them to confidently identify the suspect.

2. Prior to conducting an identification process, officers should have reasonable suspicion that the subject of the identification process is actually the perpetrator.
3. When conducting eyewitness identification, only one victim or witness shall be permitted to view a lineup, photo array, or show up at the same time.
4. If multiple suspects are presented to a victim or witness for viewing, officers shall have the victim or witness confirm or deny the identification of each suspect one by one.
5. Officers shall not permit victims or witnesses who have participated in the viewing process to convey information about the identification process to other potential witnesses.
6. Officers shall not, nor will they permit others to, make suggestions or comments, or give hints, to the victim or witness in an attempt to improperly influence the witness's opinion or conclusion during the identification process. This shall include verbal or nonverbal reactions by the person administering the identification process.
7. Officers shall accurately record all reactions and statements made during the viewing and identification process, including comments relating to certainty or doubt regarding the identification.

B. Photo Array Identification Procedures

1. A photo array shall consist of a minimum of six photographs and shall include one photo of the suspect and five or more filler photos of persons of similar age and appearance.
2. Photos should be of the same size and composition, generally a head and shoulder image similar to the type of photo used for identification purposes; e.g., employment ID, driver's license, passport, or booking photo. Color photos shall not be mixed with black and white photos.
3. When using booking photos, it is important that photo composition not unduly influence the witness. As such, officers must be cautious with selected photos specifically in respect to using a mixture of photos with subjects in jail uniforms, appear with a custodial background, or have identifiable backgrounds.
4. To avoid the possibility of unintentionally influencing the identification process, officers shall make every effort to have the photo array presented by an officer who does not know the identity of the suspect.

5. Prior to presenting the photos, the officer administering the process shall read the Photo Array Identification Procedure form (Appendix A) to the victim/witness.
6. Photos should be numbered uniformly and presented sequentially to the victim/witness.
 - a. The suspect photo should never be the first photo presented.
 - b. Each photo, starting with photo number one, should be placed in front of the witness, who should be allowed to view the photo as long as he or she desires.
 - c. After viewing the photo, the witness should be instructed to turn the photo over and place it to the side prior to viewing the next photo.
 - d. Witnesses should not be allowed to view multiple photos or compare photos with one another.
 - e. Upon request of the witness, he or she may view one or more of the photos again after the identification process has been completed. If this occurs, officers should thoroughly document the situation. An officer should never encourage the victim/witness to perform a second viewing of any photo.
7. If identification is made, officers shall immediately assess the victim/witness's confidence in the identification, but shall continue the process for all of the remaining photos.
8. Upon viewing all of the photos, the victim/witness should complete and sign the bottom of the form indicating how certain they are of the identification or if they are unable to identify the suspect.
9. Officers shall not comment or provide feedback on selections or outcomes of the identification process.
10. Whenever reasonably possible, the identification process should be conducted in an interview room at the police department and recorded with the digital recording system.
11. Upon completion of the identification process, the entire photo array and video of the process shall be entered into evidence.

C. Lineup Identification Procedures

1. The basic principles for conducting a photo array apply equally to a live lineup, with the viewing process involving live subjects rather than photographs.
2. During a live lineup, the suspect's attorney shall be permitted to attend the identification process.
3. Prior to presenting the subjects, the officer administering the process shall read the Lineup Identification Procedure form (Appendix B) to the victim/witness.
4. Whenever possible, the lineup identification process should be preserved through video recording. If such preservation is not possible, still photographs shall be taken of each individual in the lineup and all persons present during the lineup should be documented.
5. Officers wishing to conduct a lineup during the course of an investigation shall advise a supervisor and coordinate the process with the District Attorney's office.

D. Show Up Identification Procedures

1. To minimize potential suggestiveness, the use of a show-up identification procedure should be avoided whenever possible in preference to the use of a photo array.
2. When circumstances require the prompt display of a suspect to a witness, the following guidelines shall be adhered to:
 - a. The show-up should only be conducted when the suspect is detained within a reasonably short time period following the offense.
 - b. Officers shall document the victim or witness's description of the perpetrator before conducting the show-up.
 - c. Whenever possible, the victim/witness should be transported to the location of the suspect. A show-up should not be conducted in the police department, nor should it occur after the suspect is in a patrol car, handcuffed, or physically restrained, unless necessary for safety reasons.
 - d. In situations where the victim/witness absolutely cannot be transported to the suspect's location, a temporarily detained suspect can be transported to the victim/witness's location at the scene of the crime. Such a show-up should only be conducted when there is a distinct similarity between the person temporarily detained and the description of the suspect.

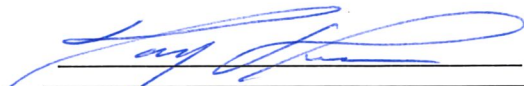
- e. During a show-up, the victim/witness should be instructed that the perpetrator might not be present.
 - f. Show-ups should not be conducted with more than one witness at a time. If identification is conducted separately with more than one witness, they should not be permitted to communicate before or after any identification procedures.
 - g. The same suspect should not be presented to the same witness more than once.
 - h. Suspects should not be required to put on clothing worn by the perpetrator, speak words uttered by the perpetrator, or perform actions of the perpetrator.
 - i. Words or conduct by officers of any type that may suggest to the victim or witness that the individual is or may be the perpetrator should be scrupulously avoided.
 - j. Immediately following identification, the officer should assess the confidence of the identification and document the words used by the witness.
 - k. Officers shall document the time and location of the show-up, who was present and the outcome of the procedure.
3. When a suspect has yet to be identified, officers are permitted to transport a victim/witness throughout the general area in which the crime occurred in an attempt to locate suspects.

E. Facial Composite Identification Procedures

- 1. When utilizing composite drawings to aid in identification, every effort should be made to minimize the influence of external information on the victim/witness's memory of the suspect's features.

If use of a composite drawing is likely, witnesses should be instructed to avoid sources of information, such as other witnesses, which could influence their independent recollection of the situation.

April 11, 2022



TONY DECKER, CHIEF OF POLICE

This policy shall become effective either immediately upon my signature or on the last date noted in the Revised Date field of page one. When a revision becomes effective, it shall be the standard and shall supersede all previous versions of the policy. Historical policies shall be maintained for no less than 7 years.



*University of Wisconsin-Green Bay
Police Department*

APPENDIX A

2370 INSTRUCTIONAL SERVICES CT
GREEN BAY, WI 54311

Tony Decker, Chief of Police

POLICE@UWGB.EDU
(PH) 920 465-2300
(FX) 920 465-2558

Date: _____ Time: _____ Incident Number: _____ - _____

Location: _____

You will be asked to view a series of photos of individuals. The fact that these photographs are being shown to you does not necessarily mean the person being investigated is included in this series of photos. It is important to clear innocent persons from suspicion as it is to identify guilty parties.

Please keep in mind that individuals depicted in the photographs may not appear exactly as they did at the time of the incident. It is important to keep in mind that features such as head/facial hair and clothing are subject to change.

You should not feel you have to make an identification. If you do identify someone, at the conclusion of the process you will be asked to describe in your own words how certain you are of the identification.

The photos will be shown to you one at a time and in no particular order. Take as much time as you need to examine each photo. If you identify someone, you will still be asked to view the remaining photos in the series.

Regardless of whether you make an identification, the police will continue to investigate this incident. Since this is an ongoing investigation, you should not discuss the identification procedure or results with others.

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the photographs that will be presented to me, and I will follow the instructions provided on this form.

Witness's Signature

Date

Print Name

Officer's Signature + Badge #

Date



University of Wisconsin-Green Bay
Police Department

APPENDIX B

2370 INSTRUCTIONAL SERVICES CT
GREEN BAY, WI 54311

Tony Decker, Chief of Police

POLICE@UWGB.EDU
(PH) 920 465-2300
(FX) 920 465-2558

Date: _____ Time: _____ Incident Number: _____

Location: _____

You will be asked to view several individuals one at a time. The fact that these individuals are being shown to you does not necessarily mean the person being investigated is among this group. It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

Please keep in mind that the individuals you view may not appear exactly as they did at the time of the incident. It is important to keep in mind that features such as head/facial hair and clothing are subject to change.

You should not feel you have to make an identification. If you do identify someone, at the conclusion of the process you will be asked to describe in your own words how certain you are of the identification.

The individuals will be shown to you one at a time and in no particular order. Take as much time as you need to examine each person. If you identify someone, you will still be asked to view the remaining individuals.

Regardless of whether you make an identification, the police will continue to investigate this incident. Since this is an ongoing investigation, you should not discuss the identification procedure or results with others.

I have read these instruction, or they have been read to me, and I understand the instructions. I am prepared to observe the individuals who will be presented to me, and I will follow the instructions provided on this form.

Witness's Signature

Date

Print Name

Officer's Signature + Badge #

Date

