



LINE-UPS

FC No.: 621

Date: 05-22-06

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

Contents:

- I. Policy
- II. Training Development Section Responsibilities
- III. ISB Unit Commanders' Responsibilities
- IV. Procedures for Coordinating Physical Line-Ups
- V. Proponent Unit
- VI. Cancellation

I. Policy

It is the policy of the department to use judicially sound line-ups as an investigative tool. A line-up is often desirable in the investigation and/or preparation of a case. Line-ups will be conducted in compliance with training modules Photographic Line-ups and Physical Line-ups. (CALEA 42.1.4)

II. Training Development Section Responsibilities (CALEA 33.5.1, 33.5.2)

The Training Development Section will:

- 1. Develop training modules and distribute them to all department *personnel*.
- 2. Develop and distribute new information as dictated by legal constraints or policy changes within the department.

III. ISB Unit Commanders' Responsibilities

ISB unit commanders will:

- 1. Ensure the training modules are properly maintained and available to all officers under their command.
- 2. Ensure that the procedures established by the modules are followed by officers when conducting a line-up.
- 3. Review cases that utilize line-ups for:
 - a. Common or recurring problems with procedures.

- b. Judicial interpretations which might affect procedure.
- 4. Make recommendations to the Training Development Section concerning any significant findings.

IV. Procedures for Coordinating Physical Line-ups

A. Scheduling

When feasible, the primary investigating officer will make every effort to schedule line-ups, interviews, and required appearances at the convenience of the victim/witness. (CALEA 55.2.4.c)

B. "Stand-Ins"

The primary investigating officer is responsible for obtaining "stand-ins" from members of the law enforcement community, police explorers, and if necessary, inmates from the Montgomery County Department of Corrections. The "stand-ins" are to dress in jeans, tennis shoes, and T-shirts, unless otherwise directed by the Assistant State's Attorney (ASA).

C. Transportation

- 1. The primary investigating officer will make arrangements for a police vehicle to transport the subject to and from the line-up facility.
- 2. Police officers from the district or unit conducting the line-up are responsible for prisoner transport and security.
- 3. If necessary, arrange transportation for the victim/witness depending on the resources available at the time. (CALEA 55.2.4.c)

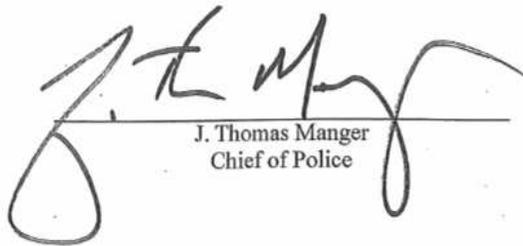
D. State's Attorney's Office

The primary investigating officer will coordinate the line-up with the State's Attorney's Office (SAO) so that an ASA can obtain the necessary court order or documented release in advance, thus avoiding delays. Seventy-two hours notice is required. If an ASA has not already been assigned to the case, one will be designated whenever a line-up is to be used.

Function Code: 621
Effective Date: 05-22-06

- E. Location and Report Times
Physical line-ups and the location will be coordinated **with** the SAO.
 - 1. Witnesses are to report 15 minutes prior to the start of the line-up.
 - 2. The “stand-ins” are to report 30 minutes prior to the start of the line-up.
- F. The SAO will videotape the line-up. (CALEA 83.2.2)
- V. **Proponent Unit:** Training *and Education* Division
- VI. **Cancellation**

This directive cancels Function Code 621, effective date 11-19-99.



J. Thomas Manger
Chief of Police