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.
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.