

## Line-Up Procedures

### 421.1 PURPOSE

To establish procedures that shall be followed regarding the use of line-ups by Detectives.

### 421.2 PROCEDURES

The following procedure shall be followed when CI personnel conduct either a physical line-up or a photographic line-up.

#### 421.2.1 PHYSICAL LINE-UPS

1. Participants
  - (a) All participants shall be of the same race and sex.
  - (b) All participants shall be as close as practical in age, height, weight, distinctive physical characteristics and dress.
2. A line-up form shall be completed by the CID personnel conducting the line-up.
3. Attorneys:
  - (a) An attorney shall be present to represent the suspect at all physical line-ups.
    - i. If the suspect has retained an attorney, every reasonable effort shall be made to have him/her present at the line-up.
    - ii. If the suspect has not retained an attorney, or the retained attorney attempts to stall, refuses to attend, etc., an attorney shall be located from the list of available attorneys. The list of available attorneys can be obtained by calling the Kalamazoo 9<sup>th</sup> Judicial Circuit Court at 383-8842.
  - (b) The attorney representing the suspect shall be given the opportunity to voice objections to the line-up and other comments regarding its fairness. All comments shall be noted on the line-up form.
  - (c) The attorney representing the suspect shall not be allowed to question witnesses, nor make comments during the line-up proceedings.
4. Witnesses
  - (a) Witnesses shall be instructed not to discuss the case with anyone prior to, during or after the line-up, except with the CID personnel conducting the line-up.

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- (b) Witnesses shall view the line-up one at a time, whenever practical.
- (c) If, because of a large number of witnesses, it is necessary to have more than one witness view the line-up at a time, the following procedure shall be followed:
  - i. Each witness shall be given a slip of paper and shall record on this slip of paper, the number of any participant which he/she has positively identified. This shall be done after viewing the entire line-up, but prior to leaving the line-up viewing room.
  - ii. CID personnel shall question each witness separately after they have viewed the line-up.

#### 5. Miscellaneous

All other proper line-up procedures shall be followed so as to ensure the line-up is not "tainted".

#### 421.2.2 PHOTOGRAPHIC LINE-UPS

##### 1. Photographs

- (a) All photographs utilized shall depict individuals of the same race and sex.
- (b) All photographs utilized shall depict, as closely as possible, individuals of the same, age, height, weight, distinctive physical characteristics and dress.
- (c) All photographs utilized shall be of the same basic design and format.

2. Regardless whether or not a positive identification is made, the entire photographic line-up shall be entered into evidence. The line-up number shall be noted in the investigators narrative.

##### 3. Witnesses:

- (a) Witnesses shall be instructed not to discuss the case with anyone prior to, during or after the photographic line-up, except with the CID personnel conducting the photographic line-up.
- (b) Witnesses shall view the photographic line-up one at a time.
- (c) Witnesses shall be questioned separately, after viewing the photographic line-up.

##### 4. Miscellaneous:

All other proper photographic line-up procedures shall be followed, so as to ensure the photographic line-up is not "tainted".