

# POLICY AND PROCEDURES

NUMBER: 837

SUBJECT: Inmate Line-ups

ACA STANDARDS: None

DIRECTOR: Herbert Bernsen

EFFECTIVE DATE: 4/1/88 REVISION DATE: 3/1/90, 6/21/91,  
9/91, 9/97, 8/03, 10/04, 1/08, 10/12



## I. POLICY

The St. Louis County Department of Justice Services shall provide for inmate line-ups at the request of all law enforcement agencies.

## II. RESPONSIBILITIES

All St. Louis County Department of Justice Services' Custody staff are responsible for the following procedures.

## III. PROCEDURES

- A. A professional working relationship with law enforcement agencies shall be maintained at all times.
- B. The line-up room at the St. Louis County Justice Center shall be available twenty-four (24) hours a day, seven (7) days a week, to all law enforcement agencies.
- C. The court in State v. Radford, 559 S. W.2d 751 (Mo. App. 1977) held that as long as the arrest of an individual that preceded the line-up was valid or if an individual was in lawful custody at the time of the line-up, participation in the line-up does not infringe upon the right of self-incrimination. Accordingly, an individual lawfully in custody does not have the right to refuse to stand in a line-up and a court order is not required to compel an individual to participate in a line-up.

- D. Individuals do not have the right to refuse participation in a line-up and reasonable force may be applied to compel participation just as it may be used to force compliance with any other lawful directive. The use of pepper spray or taser may be a reasonable response to compel an inmate who refuses to follow orders with respect to a line-up.
- E. If an individual/inmate refuses to stand in a line-up, staff from the Department of Justice Services may physically hold the individual/inmate in the line-up. All other individuals/inmates do not have to be held by Department of Justice Services staff, due to the individual's/inmate's uncooperative behavior.
- F. If an individual/inmate requests to speak to an attorney, he/she will be afforded the opportunity to speak with an attorney or have one appointed to represent him/her, but the individual may still be compelled to participate in a line-up. If the individual does not have an attorney but still requests to speak to one, the Department of Justice Services may initiate contact with the Public Defender's Office to have an attorney assigned to speak to the individual/inmate, prior to the line-up.
- G. All requests for inmate line-ups shall be made through the Watch Commander.
  - 1. Upon receipt of a request for an inmate line-up, the Watch Commander or his/her designee shall obtain the following information:
    - a. Name of subject
    - b. Physical description: hair, height, weight, race, sex, age
    - c. Time line-up is to be held
      - (1) [Time will be contingent on schedules of the Justice Center, the law enforcement agency and the 24 hour hold rule. The Watch Commander will be flexible in accommodating the time requested.]
    - d. Name of law enforcement officer, DSN, department and phone number
      - (1) If any problems or questions arise regarding the line-up, the Watch Commander shall notify the requesting officer as soon as possible.

- e. Date and time of the alleged offense.
  - (1) Date and time of offense may be given to inmates to lessen their apprehension about standing in the line-up.
- H. The Watch Commander shall relay all pertinent information to a designated escort officer who will coordinate all activities related to the line-up.
- I. The designated escort officer shall:
  - 1. Locate four (4) inmates to stand in the line-up, utilizing the description received from the requesting agency.
  - 2. As an incentive for participation, the following may be offered:
    - a. Free phone call
    - b. Extra visit
    - c. Commissary items.
  - 3. Notify Housing Unit Officers to assemble inmates at the appropriate time.
  - 4. Escort inmates from the housing unit to the Transportation Staging area and secure in holdover until line-up begins. (See Policy #833 Inmate Movement).
  - 5. Ensure inmates and subject are dressed similarly in jail issued uniforms.
  - 6. Escort inmates to line-up room.
  - 7. Align the inmates properly in the corridor outside the line-up room at the scheduled time and explain the following procedures:
    - a. They must stand up straight with arms at their sides and look straight ahead.
    - b. They must be silent unless asked a question or directed to repeat a sentence by the officer conducting the line-up.



will be directed to face the back wall prior to the witness entering the line-up room.

- e.** Ensure the witness enters the witness room and remains behind the designated line
  - f.** Secure the door after the witness has entered the witness room
  - g.** Direct the escort officer via the intercom or two-way radio when to escort the inmate into the line-up room or turn to face the window if the police have taken photos
  - h.** Open the curtain to the line-up room
  - i.** Communicate with the escort officer via the intercom or the two-way radio any instructions (e.g., quarter turns of the participants, verbiage to be said by each participant, etc.)
  - j.** Direct the escort officer via two-way radio when to escort the participants out of the line-up rooms
- 2.** There will be line-ups which have more than one (1) witness. In these cases, the Watch Commander, Lieutenant, or designated officer will complete the following prior to allowing the next witness to enter the witness room:
- a.** Close the curtain
  - b.** Instruct the officer to have participants of line-up face the back wall
  - c.** Allow the witness in the witness room to depart the room prior to allowing the next witness into the room
  - d.** Begin the line-up process again.

**K.** Law Enforcement Agencies

- 1.** All line-ups will be conducted by the law enforcement officer(s).
- 2.** It is the responsibility of the requesting law enforcement agency to make arrangements for photos to be taken.

3. Witnesses for the line-up are to be escorted by the law enforcement officer from the lobby to the line-up room.