

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	C. Criminal Procedures
<u>Module Title:</u>	9. LAWS ON SUSPECT IDENTIFICATION
<u>Hours:</u>	Not less than 2 hours

Note to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Law enforcement officials recommend using the double blind, sequential method of conducting photographic and live lineups when possible. The double-blind presentation means neither the law enforcement official presenting the lineup, nor the witness knows which person is the suspect. The sequential presentation involves displaying the person/photograph one at a time, rather than in a group.

Instructors should be familiar with module I.D.4 Suspect Identification Procedures and mention SNAP policies with regard to photographic identification.

Module Objectives:

I.C.9.1. Conduct Corporeal Lineups.

- a. Demonstrates a working knowledge of the legal issues related to conducting a corporeal lineup:
  - (1) when right to counsel attaches (U.S. v Wade, 87 S Ct 1926 (1966); Gilbert v California, 87 S Ct 1951 (1966); Kirby v Illinois, 92 S Ct 1877 (1971); People v. Hickman, 470 Mich 602 (2004));
  - (2) no violation of Fifth Amendment right against self incrimination (U.S. v Wade, 87 S Ct 1926 (1966); Stovall v Denno, 87 S Ct 1967 (1966));
  - (3) burdens with and without counsel present (People v Haisha, 111 Mich App 165 (1981); People v Young, 21 Mich App 684 (1970));
  - (4) proper composition of subjects, i.e., height, weight, etc., (Foster v California, 89 S Ct 1127 (1968); People v Barnes, 107 Mich App 386 (1981)); and
  - (5) ability to compel speech, gestures, etc., (U.S. v Dionisio, 93 S Ct 764 (1972); People v Hall, 396 Mich 650 (1976); Gilbert v California 87 S Ct 1951 (1966)).

I.C.9.2. Conduct Photo Lineups.

- a. Demonstrates a working knowledge of the legal issues related to conducting a photo lineup:
- (1) when right to counsel attaches (U.S. v Wade, 87 S Ct 1926 (1966); Gilbert v California, 87 S Ct 1951 (1966); Kirby v Illinois, 92 S Ct 1877 (1977); People v. Hickman, 470 Mich 602 (2004); People v McNeil, 81 Mich App 368 (1978); People v Eaton, 114 Mich App 330 (1982); People v Kurylczyk, 443 Mich 289 (1993));
  - (2) when photographic displays are permissible (People v Powell, 97 Mich App 287 (1980); People v Currelley, 99 Mich App 561 (1980));
  - (3) presumptions with and without counsel present (People v Haisha, 111 Mich App 165 (1981));
  - (4) proper composition of photographs (People v Dean, 103 Mich App 1 (1981));
  - (5) retention of photographs used in photographic display (People v Wilson, 96 Mich App 792 (1980)).

I.C.9.3. Conduct a Showup (Immediate On-Scene Identification).

- a. Demonstrates a working knowledge of the legal issues related to conducting a showup:
- (1) when right to counsel attaches (U.S. v Wade, 87 S Ct 1926 (1966); Gilbert v California, 87 S Ct 1951 (1966); Kirby v Illinois, 92 S Ct 1877 (1971); People v Purofoy, 116 Mich App 471 (1982); People v Miller, 208 Mich App 495 (1995));
  - (2) when showups are permissible (Stovall v Denno, 87 S Ct 1967 (1966); People v Starks, 107 Mich App 377 (1981); People v. Winters, 225 Mich App 718 (1997)); and
  - (3) rationale for allowing (People v Purofoy, 116 Mich App 471 (1982)).

**Module History:**

Revised 08/04  
Revised 01/13  
Revised 09/21