



**Royal Mail Internal Information**  
**Criminal Investigation Team**

## **7.9 Suspect Identification Evidence**

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## Key Accountabilities

Who is accountable?	What do I have to do?	When do I have to do this?	How do I do this?
All members of Royal Mail Security	Ensure you comply with these procedures	Ongoing	As detailed within these procedures

## Suspect Identification Evidence

### 1. Introduction

- 1.1 These Procedures and Standards deal with the identification of suspects and include the following matters;
- 1.1.1 The records which need to be retained when potential witnesses give their initial description of suspects.  
(See Section 2.)
  - 1.1.2 The processes to be followed by Investigators if the identity of the suspect is **"Not Known"** to them. (See Section 3.)
  - 1.1.3 The Identification procedures available to the Police when the identity of the suspect is **"Known"**. (See Section 4.)
- 1.2 In **England and Wales** the identification of suspects is dealt with in the Police and Criminal Evidence (PACE) Act 1984 Codes of Practice (CoP) Code D. In **Northern Ireland** it is the Police and Criminal Evidence (Northern Ireland) (PACE (NI)) Order 1989, CoP Code D. In **Scotland** there are no such codes but these Procedures and Standards should be seen as best practice to ensure that the identification of suspects is not compromised by mistaken identity.

### 2. Identification of Suspects by Witness' Description

- 2.1 Whenever a potential witness first describes a suspect not known to them, a record must be made of the suspect's description. Investigators are reminded of the "10 Point Person Description" which can be found in Appendix 2 to P&S 5.4 Managing the Witness and Structure and Content of Witness Statements.
- 2.2 Paragraph 3.1 of Code D of the CoP require that the record of a witnesses' first description must;
- 2.2.1 Be made and kept in a form which enables details of that description to be accurately produced from it, in a visible and legible form, which can be given to the suspect or the suspect's solicitor in accordance with the CoP.
  - 2.2.2 In addition, unless otherwise specified, must be made before the witness takes part in any identification procedures.
- Fundamentally unless the witness knows who the suspect is, then before they assist in the identification of that suspect they must have given a description and that description must have been recorded.

### 3. Cases when the Suspect's Identity is "Not Known"

- 3.1 In cases where the suspect's identity is **not known** a witness may be taken to a particular neighbourhood or place (which could include RM premises), to see if the suspect can be identified. This is sometimes referred to as a "Street Identification" and can only be used when the identity of a suspect is not known. In addition in **Scotland** before embarking on such a procedure the Police always obtain the advice of the Procurator Fiscal's office.

- 3.2 It is foreseeable that this procedure could be used to identify an unknown member of staff by taking a witness to a RM premises if other methods, such as examining duty sheets or vehicle logs, have failed. It could also be used to identify a team of street robbers. However to prevent mistaken identity strict rules are applied to this procedure and these are detailed below;
- 3.2.1 A full description of the suspect(s) must be made by the witness before commencing this procedure in accordance with Section 2 above.
- 3.2.2 Care must be taken not to direct the witness' attention to any individual unless, taking into account all the circumstances, this cannot be avoided. However, this does not prevent a witness being asked to look carefully at the people around at the time or to look towards a group or in a particular direction. This would be if it appears necessary to make sure that the witness does not overlook a possible suspect simply because the witness is looking in the opposite direction and also to enable the witness to make comparisons between any suspect and others who are in the area.
- 3.2.3 Where there is more than one witness, every effort should be made to keep them separate and witnesses should be taken to see whether they can identify a person independently.
- 3.2.4 Once there is sufficient information to justify a suspect approach or the arrest of a particular individual for their suspected involvement in the offence, e.g., after a witness makes a positive identification, the suspect then becomes "**Known**" and the procedures set out in Section 4 below apply. That is to say any other witnesses in relation to that suspect must follow the identification procedures for a known suspect and if their identification is required, police assistance should be requested.
- 3.2.5 The Investigator accompanying the witness must record, in their official notebook, the action taken as soon as, and in as much detail, as possible. The record should include;
- a. The date, time and place of the relevant occasion the witness claims to have previously seen the suspect;
  - b. Where any identification was made;
  - c. How it was made and the conditions at the time (e.g. ADVOKATE);
  - d. If the witness' attention was drawn to the suspect and the reason for this;
  - e. Anything said by the witness or the suspect about the identification or the conduct of the procedure.
- 3.3 A witness must not be shown photographs, computerised or artist's composite likenesses or similar likenesses or pictures (including 'E-fit' images) if the identity of the suspect is **known** to the Investigator or Police and the suspect is available to take part in a video identification, an identification parade or a group identification. If the suspect's identity is not known, the showing of such images to

a witness to obtain identification evidence must be done in accordance with Annex E of Code D of the CoP.

#### **4. Cases when the Suspect's Identity is "Known"**

- 4.1** If the suspect's identity is "**known**" to the Investigator or Police but they dispute the identification given by witnesses, then the identification procedures set out in this section may be used. Due to the strict conditions imposed on identity parades it is not possible for RM Security Investigators to undertake them and Police assistance must be requested. As such these procedures give an overview of the "known" suspect identification procedures, the full requirements are detailed in Code D of the PACE and PACE(NI) CoP.
- 4.2** References in this section to a suspect being "**known**" mean there is sufficient information known to the Investigator or Police to justify a suspect approach or the arrest of a particular person for suspected involvement in the offence. Of course to undertake these procedures the suspect must be "**available**". A suspect being available means they are immediately available or will be within a reasonably short time and willing to take an effective part in at least one of the following, which it is practicable to arrange;
- 4.2.1** Video identification, including, "Video Identification Parade Electronic Recording" (VIPER);
  - 4.2.2** Identification parade; or
  - 4.2.3** Group identification.
- 4.3 Video Identification.** A video identification is when the witness is shown moving images of the suspect, together with similar images of others who resemble the suspect. A system called VIPER is now in widespread use by Police Forces in the UK. VIPER has a massive database of images of people, allowing images of the persons similar to the suspect to be selected for use in the identification. Having access to VIPER realises considerable savings in Police resources, as they no longer need to source volunteers to attend identification parades. In fact in Scotland VIPER has been adopted as the only means of conducting identification. Video identifications must be carried out in accordance with Annex A to Code D of the CoP.
- 4.4 Identification Parade** An identification parade is when the witness sees the suspect in a line of others who resemble the suspect. Identification parades must be carried out in accordance with Annex B to Code D of the CoP.
- 4.5 Group Identification.** A group identification is when the witness sees the suspect in an informal group of people. Group identifications must be carried out in accordance with Annex C to Code D of the CoP.
- 4.6 Identification Officer.** The responsibility for conducting an identification detailed in the three paragraphs above is that of the Identification Officer who must be a Police Inspector or above who is not involved in the investigation. These responsibilities can be delegated as long as the Identification Officer supervises the procedure effectively. The Investigators in the case should not take part in the identification.

**4.7 Notice to Suspect.** The suspect will be informed of their legal rights and be given a notice explaining them by the Police. A suspect's legal rights are explained in detail at paragraph 3.17 of Code D.

**4.8 Suspects who will not make themselves "Available".** If suspects will not agree to cooperate with a identification procedure, or otherwise make themselves unavailable, then arrangements can be made;

**4.8.1** For the suspect to be made the subject of a Video Identification. (Paragraph 4.3 above.) The police are able to obtain video footage covertly or use still photography available to them, or:

**4.8.2** Arrangements can be made for a Group Identification. (Para 4.4 above) or;

**4.8.3** The Identification Officer may arrange for the suspect to be confronted by the witness if no other identification procedure is available. A confrontation is when the suspect is confronted directly by the witness. Confrontations must be carried out in accordance with Annex D to Code D of the CoP.

**4.9 Scotland.** Investigators should note that in Scotland under Section 267B of the Criminal Procedure (Scotland) (CP(S)) Act 1995 (as amended) the prosecutor can apply to the court for an Order requiring the accused to participate in identification procedure. Also Section 290 of the CP(S) gives the accused the right to request an identification procedure.

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## Glossary

<b>Abbreviation or Term</b>	<b>Meaning</b>
<b>PACE</b>	Police and Criminal Evidence Act 1984
<b>PACE (NI)</b>	Police and Criminal Evidence (Northern Ireland) Order 1989
<b>CoP</b>	Codes of Practice
<b>CP(S)</b>	Criminal Procedure (Scotland) Act 1995

## Document Summary

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