



25101 PROCEDURE – VIDEO IDENTIFICATION

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Equality Impact Assessment			High		
Owning department			Custody		

1. About this Procedure

- 1.1. This Procedure provides instruction to Hampshire Constabulary staff on how to identify persons by using Video Identification.
- 1.2. The legislation supporting this method of identification is contained in Code D of the Police and Criminal Evidence Act 1984.
- 1.3. Subject to 1.4 below, this Procedure will be used on every occasion where:
 - 1.3.1. the suspect denies their presence at / involvement in the alleged offence;
 - 1.3.2. the suspect admits being at the scene, but denies the act in question;
 - 1.3.3. there are a number of parties involved in the incident and the suspect's precise participation is unknown or in question,
 - 1.3.4. the officer in charge of the investigation considers it would be useful and;

All of the above are conditional upon having at least one witness who has a reasonable chance of making an identification.

- 1.4. There is no requirement to hold an identification procedure where it is **not disputed** (by either party) that the suspect is already well known to the witness who claims to have seen them commit the crime. Before coming to a decision not to hold an identification procedure because the witness knows the suspect well investigating officers should include in their considerations the following:
 - 1.4.1. How long has the witness known the suspect?
 - 1.4.2. In what circumstances did they meet?
 - 1.4.3. How many times has the witness seen the suspect?
 - 1.4.4. How long ago was the witness's last sighting of the suspect before the incident?

This is not an exhaustive list, and other relevant factors will need to be considered.



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2. Risk Assessments / Health & Safety Considerations

- 2.1. The generic risk assessment for police officers and police staff in contact with suspects and members of the public in general applies to this procedure.

3. The Procedure

3.1. Notice to Suspect and Form ID2

The following tasks are the responsibility of the ID officer. Please refer to 3.1.7.

- 3.1.1. Where a decision is made that it is necessary or desirable to hold an identification procedure 'video identification' will be chosen. Other identification procedures (parade, group, confrontation etc) will only be adopted when a Video Identification is not practicable or another procedure is more suitable. This decision rests with the ID officer.
- 3.1.2. The 'Notice to Suspect', contained within the form ID 2, will be explained to the suspect.
- 3.1.3. In addition to explaining this notice the form ID 2 will be completed. The officer in the case is responsible for completing the form ID 2 as far as he/she is able. It will then be passed to the person reading the Notice to Suspect who will complete it as far as they are able.
- 3.1.4. In the case of a person under the age of 18 or person who is vulnerable, the ID2 procedure must be undertaken in the presence of an appropriate adult. In the case of a juvenile, (this does **not** include 17 year olds) where the appropriate adult is not their parent or guardian, the officer in the case will seek the consent of the parent or guardian to a video identification procedure.
- 3.1.5. Where:
 - a. in any case, a parent or guardian does not provide written consent or, after making reasonable efforts, they cannot be located, or
 - b. a suspect, of any age, indicates that he/she is not willing to take part in an identification procedure (this includes a case where a parent or guardian gives consent but a juvenile does not), the tasks detailed in 3.1.1 to 3.1.12 must still be carried out and the actions detailed in 3.3 below must then be followed.
- 3.1.6. After the Notice to Suspect has been explained it, together with (where available) all First Description forms (**suspect copy only**) and copies of any media material must be served on the suspect. This is the responsibility of the OIC. Media material in the form of video images etc. may be viewed by the suspect/solicitor rather than a copy being served.



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- 3.1.7. In normal circumstances these tasks will be carried out by the 'Identification Officer' (an officer of at least the rank of Inspector who is not involved with the investigation). This is a statutory responsibility of **all** police officers (uniform or not) of the rank of Inspector or above and all reasonable efforts must be made to ensure these tasks are carried out by such an officer. However, in certain, specified, circumstances these tasks may be carried out by other staff.

These circumstances are:

- a. where it is proposed to release the suspect in order that an identification procedure can be arranged and carried out and an Inspector is not available to act as the Identification Officer before the suspect leaves the police station; or
- b. it is proposed to keep the suspect in police detention whilst the procedure is arranged and carried out and waiting for an Inspector to act as the Identification Officer would cause unreasonable delay to the investigation.

This does not provide a simple alternative as to who may carry out these tasks. An Inspector will only be considered to be unavailable where an operational commitment would justifiably override the responsibility to carry out this statutory responsibility.

- 3.1.8. In either a) or b) above the Notice to Suspect will be explained and served on the suspect by one of the following:
- a. The custody officer;
 - b. An officer not involved in the investigation;
 - c. A detention officer, but only if delegated to do so by the custody officer (this should only be considered as a final option)
- 3.1.9. Where the Notice to Suspect is explained and served by any member of staff mentioned in 3.1.8 a) to c) above the reasons why will be recorded on the custody record by the custody officer.
- 3.1.10. In the case of 3.1.8 a), b) or c) above, the Identification Officer must be informed of the action taken and the signed copy of the ID 2 will be given to him/her and they will be responsible for quality checking it.
- 3.1.11. Where the custody officer delegates these tasks to the detention officer that custody officer remains responsible for ensuring that the tasks are carried out correctly in accordance with Code D of PACE.
- 3.1.12. Once the ID2 has been completed and sent to the Force Identification Team, if it subsequently transpires that there are further witnesses to undertake the ID procedure who were not listed in the ID2, then the OIC must complete and send to the Force Identification Team, an "Additional Witness(es)" form ID12, which



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can be found on Standard Forms under Identification procedures or on RMS. This form includes an Additional witness list and additional First Description forms. A further ID2 must not be completed. It is very important to remember that any subsequent additional witness is allocated with his / her own unique witness number and not with a number that has already been issued to a witness on the ID2. All numbers must be sequential.

3.2. Image Capture

- 3.2.1. Where appropriate the detainee's moving (PROMAT) image **will be** captured during their initial custody period. This process is part of the securing and preserving of evidence process and if taken whilst in custody allows the retention of all images regardless of whether proceedings are taken. It is important that the detainee is not bailed for image capture.
- 3.2.2. Where the suspect is a juvenile or person who is vulnerable this process must take place in the presence of an appropriate adult.
- 3.2.3. The moving (PROMAT) video image of the detainee may only be captured by suitably trained staff. If this person is different to the one who conducted the Notice to Suspect procedure then they will be handed the part completed ID 2 form. The person capturing the suspects moving (PROMAT) image will complete the relevant parts of the ID 2.
- 3.2.4. If because of aging, or other physical changes or differences, the appearance of the suspect has significantly changed since the previous occasion when the eye-witness claims to have seen the suspect, the suspect must first be given an opportunity to provide their own image(s) for use in the procedure. It is for the identification officer and officer in charge of the investigation to decide whether any image provided by the suspect should be used.
- 3.2.5. Where a suspect has a facial injury the instructions at 3.2.1 must still be complied with. The injury must be cleaned up as far as is practicable before the image is taken.
- 3.2.6. The suspect should not be videoed wearing the same colour or style top (jumper/shirt etc) as is described in first description by **any witnesses** known at the time. Additionally a suspect must not be videoed wearing HMP or Constabulary provided clothing or replacement clothing Custody Centres are responsible for providing a selection of alternative tops, maintained in a clean and reasonable condition, to resolve this potential problem.
- 3.2.7. If the suspect refuses to change the top or clothing in question he/she will have their image taken in the clothing they are wearing.
- 3.2.8. Before capturing an image or images the PROMAT operator must consider the following:



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- a. Jewellery – image to be taken with and without;
 - b. Unusual hair style/colour – image to be taken **without** hat;
 - c. Hair worn up – image taken with hair up and hair down;
 - d. Excessive/unusual makeup – image to be taken with makeup and without makeup;
 - e. Glasses (defective sight) – image taken with glasses on and with glasses off;
 - f. Tattoos, Marks, Scars – take natural image, do not cover up;
 - g. Sweets/Chewing gum – remove before taking image.
- 3.2.9. No person involved in the investigation in question should be present during the process of capturing a suspect's image.
- 3.2.10. The member of staff who captures the suspect video image will, after capture, complete and sign the MG11 within the ID2, or also available on RMS.
- 3.2.11. In all cases where the Notice to Suspect has been explained and served (together with associated papers) by an Identification Officer (Inspector) the ID2 must be emailed to the relevant Identification Suite by the person capturing the image. The original paperwork will be sent/delivered to the same ID Suite.
- 3.2.12. In all cases where an Identification Officer (Inspector) was not available to conduct the Notice to Suspect procedure and another police officer or member of staff did so, the ID2 must be handed to the Identification Officer who will quality check the documentation. The Identification Officer will then email the ID2 to the Force ID Suite Global Mailbox. The original paperwork will be sent/delivered to the Force Identification Team.
- ### 3.3. Suspect Fails to Co-operate With Video Identification Procedure
- 3.3.1. Where a suspect indicates that he/she is not willing to take part in an identification procedure the tasks detailed in 3.1.1 to 3.1.12 above must still be carried out.
- 3.3.2. In such cases of refusal to co-operate in the procedure, including image capture, the process in 3.2.10 (or 3.2.11 if applicable) will still apply.
- 3.3.3. The Force Identification Team will, if possible, obtain the suspect's photograph from the RMS and will prepare a Video Identification procedure using 'still' images. Alternatively consideration, where practicable, may be given at any stage to the use of a previously compiled video parade (still or moving) containing the same suspect.



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- 3.3.4. In cases where the solicitor or the suspect / suspect's representative wishes to view the parade before being shown to the witnesses, the Force Identification Team will communicate directly with the solicitor / suspect. See 3.4.6 through to 3.4.16 below for procedure to be followed.
- 3.3.5. Where neither the solicitor nor the suspect wish a reasonable opportunity to view the parade, the Force Identification Team will proceed with the viewing of the parade to witnesses.
- 3.3.6. The showing of the Video Parade to witnesses will be undertaken by the Force Identification Team. See 3.5 below for procedure to be followed.

3.4. Production of Video Parade CD – Identification Suites

- 3.4.1. Force Identification Team staff are responsible for checking the quality of the images as soon as possible after receiving them, preferably on the same day of receipt. They are also responsible for editing any images if necessary or rejecting the images where the images are not up to standard and cannot be edited in such a way as to rectify the problem.
- 3.4.2. If it is proposed to use any image which is neither a custody photograph nor a PROMAT moving/still image staff must refer the matter to the Identification Officer who shall ascertain whether the image was taken in compliance with relevant legislation, including RIPA.
- 3.4.3. Where an image is rejected it is the responsibility of the officer in the case to arrange, where possible, for the capturing of a fresh image.
- 3.4.4. If the image is of an acceptable or editable quality, the Force Identification Team will then create the ID parade, and contact the witnesses and agree a suitable appointment for the viewing of the parade.
- 3.4.5. The suspect or their solicitor, friend or appropriate adult must be given a reasonable opportunity to see the images before they are shown to a witness.
- 3.4.6. Where a solicitor has been appointed, the Force Identification Team will contact the solicitor and request their attendance up to 30 minutes before the specified time of viewing to the witnesses.
- 3.4.7. If no solicitor has been appointed, and the suspect or his / her friend or appropriate adult have requested a reasonable opportunity to view the parade before being shown to the witnesses, then Force Identification Team staff will make arrangements to do so.
- 3.4.8. "Reasonable notification" to the solicitor / suspect is not defined in PACE, but if the suspect is not in Custody, it is suggested that as little as 24 hours notification could be considered as reasonable. (That's 24 hours from day of receipt of letter at the relevant address or actual notification).



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- 3.4.9. If the suspect is in Custody, then the “reasonable notification” 24 hours suggested time can, with justification, be significantly reduced, but each case will have to be determined upon its’ own merits / circumstances. If necessary, guidance can be sought from an Identification Officer.
- 3.4.10. The Identification Officer automatically delegates the task of distracter selection to the Force Identification Team. Staff from the Force Identification Team will undertake the selection of all distracters. The solicitor, suspect or suspect’s representative will not take any part in the distracter selection process.
- 3.4.11. If the Force Identification Team is in reasonable doubt as to the fairness of any compilation, the Operator should seek a decision from the relevant Identification Officer (Inspector).
- 3.4.12. All images comprising the parade must:
- a. Resemble, as far as possible, the suspect’s image (in age, general appearance and position in life);
 - b. be selected against the suspect’s appearance and not against the content of any first description given by a witness(s);
 - c. be of a quality sufficient for purpose.
 - d. The requirement that the images ‘resemble’ the suspect does not require the images to be identical or extremely similar
- 3.4.13. In addition to a) to c) above where the suspect has a distinctive visible mark, scar or tattoo which has been identified by a witness in their first description that mark, scar or tattoo will be replicated on all distracter images unless it is impractical to do so, in which case the feature area will be concealed on the suspect image and the same feature area will be concealed on all distracter images. Where such a mark, scar or tattoo exists but has not been identified by a witness in their first description that feature area will be concealed on the suspect’s image and the same feature area will be concealed on all distracter images.
- 3.4.14. Force Identification Team staff will prepare 9 video parades using 8 distracters taken from the PROMAT database. The suspect will appear at a different place in each of the prepared video parades. The CD will then be placed into a sealed exhibit bag and stored in a secure ID Suite.
- 3.4.15. The printing of images to paper as part of the parade preparation should as far as possible be avoided. If there is a need to do so these paper images shall be destroyed (confidential waste) within the Identification Suite premises. There is no requirement to retain these paper images as unused material.
- 3.4.16. Force Identification Team staff may approach other Forces to conduct relevant parts of identification procedures. When doing so staff must be aware that



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standards and procedures will vary and that other Forces may charge for this service. Any charge made will be borne by the District requesting the service.

3.5. The Showing of the Video Parade CD to Witnesses

- 3.5.1. The showing of the video parade CD to witnesses will comply with the PACE Codes of Practice, in particular Code D and Annex A to that Code.
- 3.5.2. The showing of a video parade to a witness(s) will be conducted by staff from the Force Identification Team. The Identification Officer must attend the showing if requested by the Force Identification Team staff and must in any event be able to intervene if the need arises or be contactable to provide advice to staff.
- 3.5.3. A solicitor or legal representative may be present during any showing of a video parade to witnesses. The suspect, a friend or non-legal representative cannot be present during a showing.
- 3.5.4. Unless circumstances dictate otherwise all arrangements necessary for the showing will be conducted by staff from the Force Identification Team. This includes all communication with the officer in the case, the Identification Officer, all witnesses, any solicitor and the suspect.
- 3.5.5. Where there is a requirement to contact the suspect's solicitor to attend a parade viewing they are to be notified of the relevant time, date and location and given a reasonable opportunity to attend. If no solicitor has been instructed this information will not under any circumstances be given to the suspect. The following must be adhered to when contacting a solicitor / legal representative:
 - a. Contact should generally be made by telephone and every call logged, to include time, date, who spoken with, the content of the conversation and who made the call.
 - b. The contacted person must be informed that if the solicitor fails to attend, then providing reasonable notification was afforded, the procedure will be completed in their absence.
 - c. Where the solicitor states that they are unable to attend, then they may be offered an alternative appointment, but not at the expense of re-scheduling the witness viewing.
 - d. Careful consideration must be given with regards the suitability of carrying out a viewing at a witness' residential address. This must include any potential risk posed to the witness by having their address disclosed to the suspect's solicitor. The witness must be asked for consent for the suspect's solicitor to attend. Only if consent is given can the solicitor be notified of the location of the viewing. If consent is not given then a suitable alternative location must be used.



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- 3.5.6. In cases where a witness is unable to understand the procedure due to their lack of knowledge of the English language the Force Identification Team staff will arrange for an interpreter to be present at the showing. Any interpreter used shall be arranged through the approved interpreter scheme, 'Capita'.
- 3.5.7. The procedure of showing a Video Parade to a witness must be recorded on form ID3 which will be completed by a member of the Force Identification Team.
- 3.5.8. In order to ask each victim/witness a relevant and specific question, the OIC must provide a witness statement, or VWI transcript, prior to the showing.
- 3.5.9. Unless exceptional reasons exist (ie equipment failure) all showings of a Video Parade to a witness will be recorded onto DVD via a split screen recording system. This task will be carried out by a member of staff from the Force Identification Team.
- 3.5.10. Unless exceptional circumstances apply (e.g. witness in hospital or unable to travel) the showing to witnesses will be completed at an Identification Suite or other police station equipped with suitable recording facilities by the Force Identification Team staff.
- 3.5.11. In relation to a video compilation containing concealment, a witness will be informed that, after viewing all the images at least twice, they may request to view an image uncovered. If a witness requests any concealment be uncovered then the ID operator should ask the witness if they can make any identification before this is done.
- 3.5.12. The uncovering of concealment does not include glasses and clothing.
- 3.5.13. A black and white image can be uncovered by showing in full colour.
- 3.5.14. A witness, other than by the wording in the ID3, should not be reminded, encouraged or otherwise invited to request any uncovering.
- 3.5.15. The witness may view the same uncovered image as many times as they wish. This will be undertaken / recorded exactly in the same way as if the witness was requesting to see a standard covered image again.
- 3.5.16. In the very rare event that at the viewing to witness stage, there is a **reasonable** objection from the solicitor, every effort will be made by the Force Identification Team to overcome the objection, and should only abort the viewing to witness process if rectification cannot be achieved whilst the witnesses are waiting.
- 3.5.17. In the case of multiple suspect parades if a witness has completed a parade viewing and on a subsequent, linked parade viewing makes significant admissions or comments about the first parade viewing, in particular regarding any identification made, the ID Operator is responsible for ensuring this information is:



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- a. visually recorded;
- b. summarised accurately in the ID3;
- c. recorded in the witness's statement (regardless of outcome);
- d. brought to the attention of the first ID Operator and first parade solicitor (if there was one) as well as the current parade solicitor as soon as possible.

- 3.5.18. Where a member of staff is required to conduct any part of an identification procedure at any location other than at a Police station, then that staff member should be accompanied by another member of staff. Each such visit should also be risk assessed by the attending staff.
- 3.5.19. The ID Operator conducting the viewing to the witness is required, immediately after the viewing, to obtain a statement from the witness regardless of the outcome. This statement must accurately record what was said by the witness as to any identification made, or equally, not made and is to contain the full name of the witness.
- 3.5.20. The Video Parade CD should be removed from the viewing machine and then resealed in the original exhibit bag, recording the new reseal number on the ID3.
- 3.5.21. The DVD recording device should then be stopped and both discs ejected. One disc shall be placed in its case and sealed with a master seal label (ID4) and exhibited as the 'master copy' of the witness viewing procedure. The seal should be completed and include the RMS occurrence number details. The exhibit reference number for this disc should be recorded in the ID3. The other disc should be sealed inside the exhibit bag and exhibited as a 'working copy' of the witness viewing procedure. The exhibit bag serial number and reference should also be recorded in the ID3.
- 3.5.22. The Master DVD should be sent to the Central Archive Facility for secure storage.
- 3.5.23. If there is a need to access a master DVD that has been sealed for a criminal trial or appeal, the recording must only be accessed and the seal broken in the presence of a representative of the Crown Prosecution Service. A record must be kept of the date, time and place and people present and the reasons why any seal is broken. A record should also be kept of it being resealed. It is essential that accurate records are kept of any access to master recordings. This ensures that the Constabulary can prove that the master copy has not been tampered with. Failure to comply with advice provided may result in evidence obtained being ruled inadmissible, causing embarrassment and loss of confidence in the Constabulary from the public.



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- 3.5.24. It is the responsibility of the Force Identification Team Operator to scan the ID3 and any statements relevant to the witness viewings onto RMS, and return all documents and remaining exhibits to the OIC.
- 3.5.25. All notes made by the Force Identification Team which could possibly have an impact on the case should be disclosed to the OIC.

3.6. Retention / Destruction of Images

- 3.6.1. Where a PROMAT image was taken whilst the person is detained at a police station or where the suspect provided written consent, that image will be retained, regardless of the case outcome, after being used in the identification procedure.

4. Roles and Responsibilities

- 4.1. Subject to 3.1.7 above the role of Identification Officer will be performed by an Inspector on the District where the detainee is located. This Inspector will continue to be the Identification Officer until they go off duty.
- 4.2. If the original Identification Officer is no longer on duty it is the responsibility of the District to ensure that another Inspector from that District is available to perform the role of Identification Officer.
- 4.3. The Identification Officer is responsible for the identification procedure and must be available and contactable for advice in respect of the compilation and viewing processes outlined above.

5. Administration

- 5.1. Identification forms are located on the Standard Forms Library under 'Identification Procedures'. Some of these forms are also available within RMS.
- 5.2. Any defect with PROMAT equipment must be reported to the Force Identification team.
- 5.3. The disclosure of any digital images will be handled in accordance with current relevant legislation.

6. Monitoring and Evaluation

- 6.1. The Force Identification team will gather data on video identification procedures. This data will be monitored by the Force Custody & Compliance team.

7. Review

- 7.1. This Procedure will be reviewed by the Force Custody & Compliance Team annually.



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8. Related Policies, Procedures and Information Sources

8.1. Related Policies

8.1.1. 25100Policy – Video Identification

8.2. Information Sources

8.2.1. Code D - Police and Criminal Evidence Act 1984

8.2.2. [AD203Equality Impact Assessment](#)

Origin: Custody