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THE VISUAL IDENTIFICATION OF SUSPECTS: PROCEDURES AND PRACTICE

Briefing Note 2/02

Graham Pike, Nicola Brace and Sally Kynan
March 2002

The views expressed in this briefing note are those of the authors, not necessarily those of the Home Office (nor do they reflect Government policy).

Introduction

Visual identification plays an important part in the investigation and detection of many crimes. According to Coupe and Griffiths (1996), a suspect description was used as a source of evidence in 43% of 'primary detected' burglary cases. In inter-personal crimes such as robbery, violence and sexual offences, eye-witness information is critical to the apprehension of a suspect and subsequent prosecution (Phillips and Brown, 1998). The process by which a witness's identification of a suspect is established plays an important part in the criminal justice process. At present, live identification parades are the main way this information is tested prior to court, although running parades can be problematic and time consuming (PA Consulting, 2001). The current study aimed to:

- identify the key obstacles to the timely and effective post-arrest identification of suspects; and
- identify examples of good practice or changes to policy and practice which might overcome some of these obstacles.

While much of the data covers a range of crime types, the research has a particular emphasis on post arrest identification procedures in robbery cases.

Methodology

Data were collected from 14 English police forces, including the five metropolitan forces in receipt of additional funds to tackle robbery (Metropolitan, Greater Manchester, Merseyside, West Midlands and West Yorkshire). Three separate data sets on identification were compiled:

- *Force data* – The collation of data from existing identification (ID) databases provided by eight forces. The combined database provided information on the outcome of a total of 18,475 arranged ID procedures.

- *ID survey* – The compilation of detailed surveys on identification procedures from nine forces, including the characteristics of witnesses and offenders and the nature of the incident (2,628 parades¹).
- *Interviews* – The third was based on in-depth interviews with 50 police officers, primarily in identification suites and Criminal Investigation Departments (CID) across all 14 police forces.

Main findings

Previous studies (Pike et al., 2000²; Slater, 1994) have reported a consistently high cancellation rate for ID procedures arranged in England and Wales, a result replicated in this study. Police force data (18,475 cases) showed that 52% of arranged procedures were cancelled before being shown to a witness. Of the procedures that were conducted, 49% resulted in the positive identification of the suspect. Overall, therefore, 23% of arranged procedures resulted in the positive identification of the suspect.

Offences requiring ID procedures

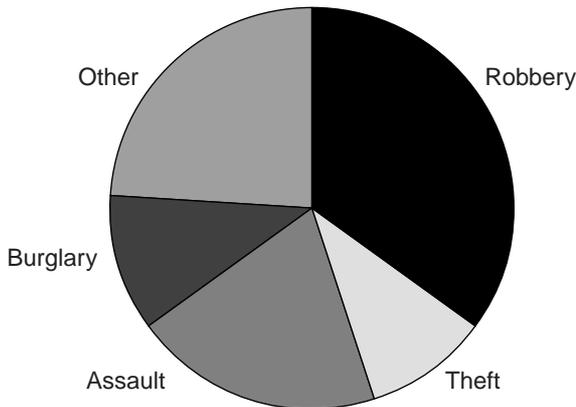
Using the more detailed data from the ID survey from one metropolitan force that provided the majority of the cases (2,021 cases), it was possible to establish the types of offences that result in identification parades (Figure 1). Robbery cases accounted for the highest proportion of ID procedures (35%). This figure is far higher than would be expected given the incidence of robbery in relation to other crime types (in the target force, robbery accounted for less than 3% of all recorded crimes in 2000/01). The high proportion of robbery cases probably reflects a number of factors.

1. The vast majority of the identification procedures in the sample were live parades (97% of the total for which data were available).
2. This research is part of a programme titled "Using computer technology to make the most of identification evidence", which is being funded by the Home Office Research Development and Statistics Directorate, Innovative Research Challenge Fund. The programme is due to finish in April 2002.

First, it could be that the opportunities to obtain eyewitness evidence are greater than for more common offences such as burglary or theft (Phillips and Brown, 1998). Secondly, the fact that robbery is perceived as a serious crime may be influential. The interviews revealed that robbery cases tend to be handled by CID rather than uniformed officers, receive more resources and are therefore more likely to reach the identification parade stage.

Figure 1: ID procedures conducted for different crime types

Data taken from one metropolitan force (n=2,021)³



The outcome of identification parades by crime, suspect and victim type

Robbery (and burglary) produced a lower rate of positive identifications than other crime types. Analysis of the ID survey data showed that only 45% of robbery parades resulted in a positive identification compared with 53% of theft and assault cases (see Table 1).

Table 1: Outcome of parade, by crime type

Crime type	n	Positive (%)	Negative (%)
Robbery	709	45	55
Theft	177	53	47
Burglary	170	45	55
Assault	331	53	47
Other	389	51	49

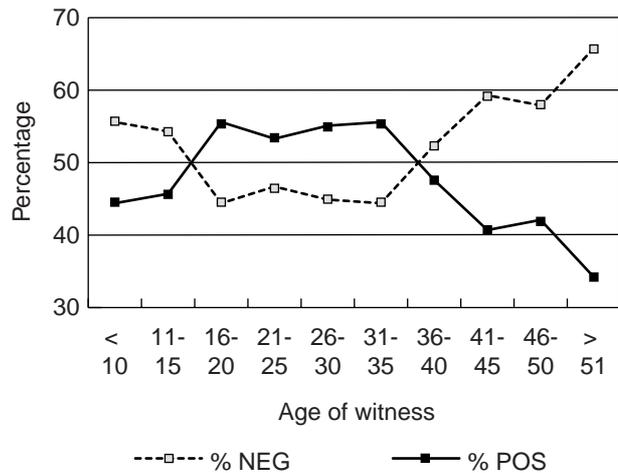
Exactly why robbery and burglary cases result in fewer positive identifications is not clear. Further analysis of the data revealed that neither the use/threat of violence, nor the presence of a weapon, were factors associated significantly with the outcome of an identity parade. One possibility is that witnesses may have a poorer view of the suspect (in terms of the R v Turnbull criteria⁴) in robbery and burglary cases. For instance there may be

less time to observe the suspect⁵, visibility may be limited by available lighting, or deliberate attempts may be made by the suspect to hide his/her face. Witnesses to assault, and many of the crimes included in the 'other' category, may well have had a better/longer view of the perpetrator than robbery/burglary witnesses (although the same may not be true of theft cases).

Research into facial recognition has found that people tend to be more accurate at recognising people from their own ethnic group than from a different one (e.g. Shapiro and Penrod, 1986). The outcome of parades might therefore be influenced by the ethnicity of the offender and witness (and how they relate to each other). Offenders described other than 'white' in the analysis did account for a greater proportion of robbery cases (30% of all cases), but only 3% of burglary cases. However, an analysis of all parade outcomes in terms of whether the witness and suspect were from the same or different ethnic groups found no statistically significant differences.

One factor that was linked to parade outcome was the age of the witness (see Figure 2). This supports findings from other research that younger children tend not to be as accurate as older children and adults at recognising faces (Brace et al. 2001), and that there is a deterioration in face recognition skills among the elderly (Yarmey, 1996). Only 46% of under 17s and 29% of those aged 60 and over correctly identified the suspect; the corresponding figures for 17-21 year olds and 22-29 year olds were 58% and 54% respectively.

Figure 2: Parade outcome by witness age



The effects of witness age on parade outcome may also go some way to explaining the lower rate of positive IDs in robbery and burglary cases. Robbery had a higher percentage of under 16 witnesses than other crime types (29%) whereas burglary had a higher proportion of over 60's (27%).

3. The data relate to the number of parades and *not* the number of crimes. In some offences, there will be more than one witness and therefore more than one parade.

4. Many of the more obvious factors that influence eyewitness abilities were identified in what is known as the Turnbull Ruling (R v. Turnbull and Others, 1977).

5. In the interviews with robbery officers, most estimated that street robberies could typically last from only 10 seconds to a minute in terms of contact time.

Table 2: % of witnesses in each age category by crime type

Crime type	<16 yrs	17-21 yrs	22-29 yrs	30-39 yrs	40-59 yrs	>60 yrs
	%	%	%	%	%	%
Robbery	29	20	28	11	8	4
Theft	6	13	36	23	18	4
Burglary	3	8	27	19	15	27
Assault	10	30	43	9	9	0
Other	14	13	35	20	15	2

Ratio of positive to negative outcome in each age category by crime type

Crime type	<16 yrs	17-21 yrs	22-29 yrs	30-39 yrs	40-59 yrs	>60 yrs
	+/-	+/-	+/-	+/-	+/-	+/-
Robbery	46/54	55/45	50/50	40/60	29/71	19/81
Theft	60/40	65/35	50/50	61/39	36/64	33/67
Burglary	60/40	31/69	50/50	48/52	52/48	32/68
Assault	31/69	60/40	58/42	52/48	41/59	na
Other	50/50	56/44	58/42	62/38	25/75	43/57

Finally, it is worth pointing out that as robbery cases are seen as serious offences and are therefore likely to involve an identification procedure, it may be that there is less 'pre-selection' of witnesses in robbery offences. For example, a complaint of theft that is assessed as having poor R v Turnbull criteria is far less likely to make it to an identification procedure than a robbery case involving a similar very brief exposure to the perpetrator. In short, as robbery is seen as a more 'serious' offence than theft, there will be greater pressure to conduct an identification procedure, even if the R v Turnbull criteria suggest the witness may find the task difficult. Thus, of those cases making it to an identification procedure, there may well be differences in terms of the quality of the identification evidence between robbery and other crimes such as theft.

Management of the ID process

There are significant logistical problems in conducting standard live parades, particularly in ensuring that all the relevant people (witnesses, suspects, solicitors) are available in the right place at the right time and that the relevant individuals are kept separate. Interviews with ID officers highlighted a common number of themes around setting up live parades. These included delays in the running of parades, finding suitable volunteers, and cancellations. Managing all these factors successfully has become a very specialised role. The Police and Criminal Evidence (PACE) Codes of Practice currently require an officer of inspector rank or above to conduct the parade. However, ID procedures do not feature in the Inspector's exam and many officers suggested that

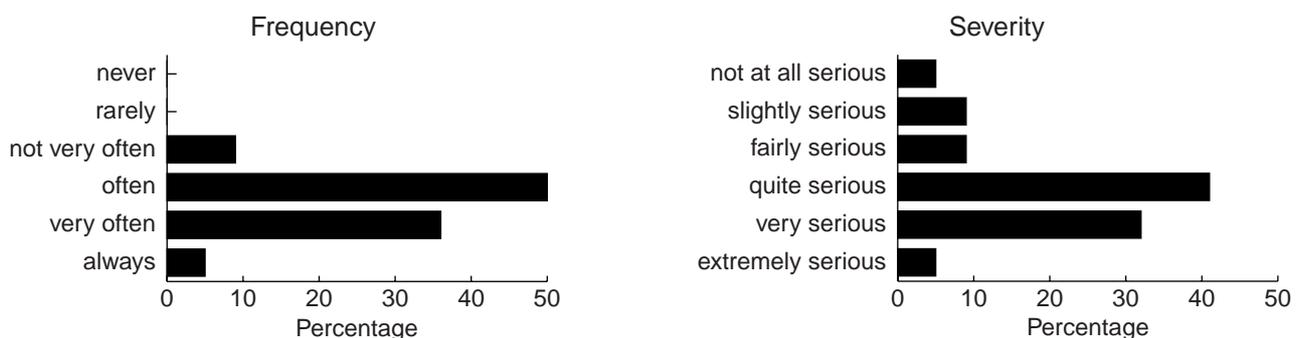
greater training was required. They believed that training (rather than rank alone) be used to determine which officers could conduct an ID procedure.

Delays

Although many officers interviewed felt that the absence or late arrival of the suspect was often a deliberate attempt to hinder the process, problems in finding suitable parade foils and getting the witness and solicitor to attend were also found to be common. Officers interviewed in the study also felt that delays were partly the result of the large number of identification parades being requested. These requests include parades conducted in light of rulings in stated cases such as R v Forbes that require recognition parades to be conducted where the victim knows the suspect already.

Figure 3 indicates the extent to which ID officers identified delays as a problem; just under nine in ten felt this problem occurred either often or very often. The ID Survey data revealed that the typical (median) interval between the request for a parade, and it taking place, was just over 10 weeks (although the predominance of cases from a handful of metropolitan forces within the ID survey may overstate the extent of delays nationally). Officers interviewed were asked to estimate the usual delay and, on average, thought it to be about 4.5 weeks. The delay between the request for and the staging of a parade is more than simply an administrative problem. The delay in arranging a parade was identified by many officers as a frequent problem and as having serious consequences affecting the outcome of the ID process (see Figure 3).

Figure 3: Problems with the delay between crime and parade



Finding suitable volunteers

Overall, just over one third of officers interviewed often experienced problems concerning the selection of volunteers, with one fifth describing it as a very serious problem. The current Code requires that volunteers selected for ID parades 'resemble' the suspect based on height, age and general appearance⁶. These problems were due both to the availability of volunteers with particular combinations of age and ethnic group as well as individuals with distinctive physical characteristics (such as red hair). In some instances, the problem of recruiting appropriate volunteers was made more difficult by the limited nature of suspect details available prior to the parade. Many ID officers relied on Polaroid photos of the suspect which were not always high quality. Where these were unavailable, written descriptions could be used but were often found to be extremely vague.

Cancellations

We have already noted that more than half of all parades were cancelled before being shown to a witness. The ID survey data revealed that the majority (51%) of these procedures were cancelled due to problems associated with the suspect, such as their refusal or failure to attend. Suspects failing to turn up for the ID parade alone accounted for 41% of all cancellations.

Table 3: Reasons for ID parade cancellations

Reason	% of all parades cancelled (n= 702)
<i>Suspect</i>	
Suspect failed to attend	41
Suspect refused to attend	10
Suspect changed appearance	1
Suspect claimed parade unfair	1
<i>Witness</i>	
Witness failed to attend	17
Witness refused to attend	4
<i>Other</i>	
Insufficient volunteers	4
Unsuitable volunteers	3
Defence objection	1
Cancelled by police	6
All other reasons	11

Witnesses were responsible for just over 20% of cancellations. The relatively low level of witness cancellations was believed by ID officers to reflect the efforts by the police to facilitate their attendance. ID officers were asked to identify what they felt were the reasons behind witness refusal/failure to attend. Although no clear pattern emerged, practical issues such as childcare, work constraints and inflexible scheduling were cited, together with concerns about confronting the suspect, failing to recognise the suspect and wanting to avoid a court appearance.

The ID survey data were analysed to determine whether any sub-population of witnesses tended to refuse/fail to attend identification procedures more than others.

6. In the parade, the police are required to conceal distinguishing features (e.g. a facial scar) which might distinguish the suspect.

Witness cancellations were found not to be associated with the use/threat of violence, the presence of a weapon, whether the witness was also the victim, or the type of crime witnessed. However, witnesses were more likely to refuse/fail to attend if the suspect was male rather than female and no witnesses cancelled if the suspect was either under 16 or over 40, which may suggest that witness cancellations are partly linked to issues surrounding confronting the suspect and perceived intimidation.

The relationship between non-attendance by the suspect and crime type was found to be statistically significant however. A relatively small proportion of suspects failed to attend when the crime was assault (2%), with a higher percentage not attending when the crime was theft (10%). Robbery and burglary suspects were more likely not to attend than suspects in other crime types (12% for robbery and 19% for burglary). One possible interpretation is that the robbery and burglary suspects in this study were simply more adept at, or more inclined towards, frustrating the ID process.

Improving ID procedures

Apart from issues around *R v Forbes* and recognition parades (noted above), several more general observations were offered concerning the existing PACE codes. Placing video ID on a legal par with live ID was suggested as a possible solution to some of the routine problems with live parades. A majority of both ID and robbery officers felt that the current guidance over covert identification⁷ and street identification⁸ could be improved. The former was often felt to be time-consuming and to lead to poor quality evidence. Routine capturing of the suspect's image on video was felt to be one possible solution to this. The latter were seen as being more conducive to accurate identification (i.e. before the memory of the witness has faded and while the suspect is still looking as they did at the time of the offence). For this reason it was generally felt that street identifications should receive equal treatment to other identification procedures.

Video parades

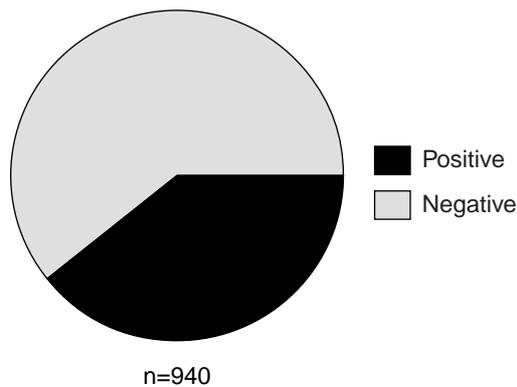
A separate Home Office study has looked at the potential of video parades in overcoming some of the problems associated with the setting up and processing of live parades. The West Yorkshire Police developed the VIPER (Video Identification Parade Electronic Recording) system in the mid-nineties, and it has been used on a reasonably regular basis by that force since 1997. Under the existing PACE codes, cases can go to video ID where a live parade is not practicable. VIPER has now been used in a sufficient number of cases to permit a basic comparison with live parades. However it must be remembered that the comparison, in strict terms, is not an equal one (since cases which go forward to VIPER are pre-selected on the basis that a live parade is not practical).

7. Where the suspect is shown to the witness, often in a public place, without the consent or knowledge of the suspect.

8. Where the witness is taken around the area where the crime took place as soon after the crime as possible in order to try to spot the perpetrator.

The VIPER Unit⁹ supplied data taken from 991 cases in which the system had been employed. The vast majority of these cases were based in the West Yorkshire area itself, though some video parades were prepared for other forces. Whilst the Force data collated for the main study indicated that 52% of identification procedures overall are cancelled before being shown to a witness, the VIPER system's cancellation rate was just 5.1%.

Figure 4: % Positive – VIPER



VIPER parades produced a higher rate of positive identifications than live parades, 39% compared with 35%) (Figures 4 and 5). One contention is that it is 'easier' to pick out the suspect in VIPER parades, suggesting somehow that they are not as fair as 'live' parades. However, previous research has concluded that VIPER parades are actually fairer than live parades, due in part to the likelihood that parade foils are a better match to the suspect (Valentine and Heaton, 1999).

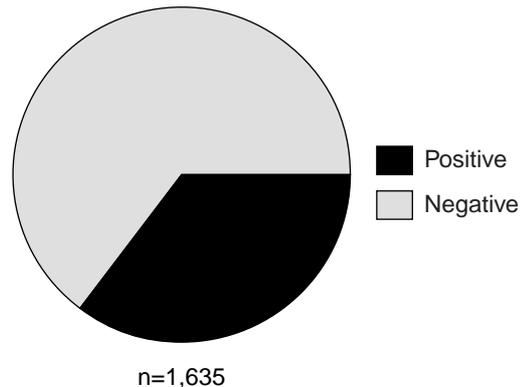
The higher rate of positive IDs could also be because the VIPER system avoids the necessity of the witness confronting the suspect (even if it is behind a glass partition), thereby reducing witness anxiety and the perception of any intimidation. Another reason could be that, as per PACE guidelines, the witness has to watch the video parade at least twice. Live parades can result in the more anxious witness rushing to view the line-up, but with video, the length of time each parade member is shown for is fixed. This means that VIPER witnesses, on average, spend much longer looking at the parade.

Video parades do not, however, allow the witness to see the actual person 'live', are not amenable to witness requests (such as asking the parade to stand-up¹⁰), and might not be as suitable when a witness describes height and weight or when the suspect has a facial scar or tattoo. Nevertheless, ID officers interviewed in the study expressed a number of advantages of using video parades:

- They reduce the anxiety of the witness;
- They can be shown at the convenience of the witness and if desired in the comfort of their own home;
- They have the potential of a much larger database of foils;

A comparison of the ratio of positive to negative outcomes was also made, although the data relating to 'live' parades was restricted to that collected from West Yorkshire so that any regional differences in procedures and suspect/witness characteristics (particularly ethnicity) were removed.

Figure 5: % Positive – Live (WY)



- The height of the suspect and the foils is not an issue;
- They overcome the problem of the suspect changing his/her appearance as the image of the suspect can be captured whilst in custody;
- In the longer-term, after the initial capital expense of installation and database construction, they are cheaper to arrange;
- They provide a much better record for the court to view, as one can show exactly what the witness viewed;
- The suspect is unable to draw attention to himself/herself, intentionally or otherwise, e.g. by looking up at the ceiling; and,
- They avoid any problems with volunteer behaviour.

Officers also reported that they would like to see the implementation of a national video system. This would allow a standard image to be used by all forces so that every force in the country could contribute images of volunteers. This would lead to the creation of a very large database capable of dealing with the appearance of almost any suspect.

Recommendations

This study has highlighted some of the difficulties that exist within the current framework for identification parades in England. The following recommendations would go some way to addressing particular problems around delays and cancellations in addition to other issues highlighted through interviews with officers.

Video identification

- Elevate the status of video parades in PACE to an equal legal standing with live identification parades;
- Increase the provision of video parades so that more forces are able to make use of them, preferably by developing a system (or systems) which can draw on a large database containing images of volunteers contributed by all forces;

9. The authors are very grateful to Linda Baillie, VIPER Unit, West Yorkshire Police for collating and preparing these data.

10. However, it is worth noting that the interviews revealed that 'walking' and 'turning' were not frequently performed at live ID parades.

- Allow video image capture of suspects as soon as possible (such as at arrest or agreement to participate in a parade) to provide a record of appearance and for potential use in a video parade, should either the suspect opt for this, or fail to attend a parade.

Training

- Identification parade training should be included in the current Inspector course
- Replace the current requirement that all identification procedures be conducted by an Inspector with the requirement that they be conducted by an appropriately trained officer.

Other changes to PACE Codes of Practice

- Incorporate guidelines regarding the distinction between 'recognition' and 'identification' (R v Forbes) into the PACE Codes of Practice.
- Consider enhancing the evidential value of 'street' identifications conducted just after incidents have taken place, and include guidance on the use of street and covert identification within any future revisions to the Code of Practice.

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