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Police & Criminal Evidence (Northern Ireland) Order 1989

D

CODE D

Code of Practice for the identification of persons by police officers

Commencement – Transitional Arrangements

This Code has effect in relation to any identification procedure carried out after midnight on 30 June 2026

1 July 2026



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Section 1: Introduction

1.1 This Code of Practice concerns the principal methods used by police to identify people in connection with the investigation of offences and the keeping of accurate and reliable criminal records. The powers and procedures in this Code must be used fairly, responsibly, with respect for the people to whom they apply and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender or disability.

1.1A Not used.

1.2 In this Code identification by an eye-witness arises, when a witness who has seen the offender committing the crime and is given an opportunity to identify a person suspected of involvement in an offence in a video identification, identification parade or similar procedure. These eye-witness identification procedures (see Part A of section 3 below) are designed to:

- test the witness' ability to identify the person they saw on a previous occasion;
- provide safeguards against mistaken identification.

While this Code concentrates on visual identification procedures, it does not preclude the police making use of aural identification procedures such as a “voice identification parade”, where they judge that appropriate.

1.2A In this Code, separate provisions in Part B of section 3 below apply when any person, including a police officer, is asked if they recognise anyone they see in an image as being someone who is known to them and to test their claim that they recognise that person. Except where stated, these separate provisions are not subject to the eye-witnesses identification procedures described in paragraph 1.2.

1.2B Part C of section 3 applies when a film, photograph or image relating to the offence or any description of the suspect is broadcast or published in any national or local media or on any social networking site or on any local or national police communication systems.

1.3 Identification by fingerprints applies when a person's fingerprints are taken to:

- compare with fingerprints found at the scene of a crime;
- check and prove convictions;
- help to ascertain a person's identity.

1.3A Identification using footwear impressions applies when a person's footwear impressions are taken to compare with impressions found at the scene of a crime.

1.4 Identification by body samples and impressions includes taking samples such as a cheek swab, blood or hair to generate a DNA profile for comparison with material obtained from the scene of a crime, or a victim.

1.5 Taking photographs of arrested people applies to recording and checking identity and locating and tracing persons who:

- are wanted for offences;
- fail to answer their bail.

- 1.6 Another method of identification involves searching and examining detained suspects to find, e.g., marks such as tattoos or scars which may help establish their identity or whether they have been involved in committing an offence.
- 1.7 The provisions of the Police and Criminal Evidence (NI) Order 1989 (PACE NI) and this Code are designed to make sure fingerprints, samples, impressions and photographs are taken, used and retained, and identification procedures carried out, only when justified and necessary for preventing, detecting or investigating crime. If these provisions are not observed, the application of the relevant procedures in particular cases may be open to question.
- 1.8 The provisions of this Code do not authorise, or otherwise permit, fingerprints or samples to be taken from a person detained solely for the purposes of assessment under section 130 of The Mental Health (Northern Ireland) Order 1986.

Section 2: General

- 2.1 This Code of Practice must be readily available at all police stations for consultation by:
- police officers;
 - police staff;
 - detained persons;
 - appropriate adults;
 - solicitors;
 - members of the public.
- 2.2 The provisions of this Code:
- Include the Annexes;
 - do not include the Notes for Guidance, which form guidance to police officers and others about its application and interpretation.
- 2.3 Code C, paragraph 1.4 and the Notes for Guidance applicable to those provisions apply to this Code with regard to a suspected person who may be vulnerable.
- 2.4 Code C, paragraph 1.5 and the Notes for guidance applicable to those provisions apply to this Code with regard to a suspected person who appears to be under the age of 18.
- 2.5 Code C, paragraph 1.6, regarding a person who appears blind, seriously visually impaired, deaf, unable to read or speak or has difficulty orally because of a speech impediment applies to this Code.
- 2.6 In this Code:
- ‘appropriate adult’ means the same as in Code C, paragraph 1.7;
 - ‘solicitor’ means the same as in Code C, paragraph 6.11;
 - ‘registered intermediary’ has the same meaning as in Code C, paragraph 1.7A
- and the Notes for guidance applicable to those provisions apply to this Code.
- Where a search or other procedure under this Code may only be carried out or observed by a person of the same sex as the person to whom the search or procedure applies the gender of the detainee and other persons present should be established and recorded in line with Annex L of Code C.
- 2.7 References to a custody officer include any police officer who, for the time being is, performing the functions of a custody officer, see paragraph 1.9 of Code C.
- 2.8 When a record of any action requiring the authority of an officer of a specified rank is made under this Code, subject to paragraph 2.18, the officer’s name and rank must be recorded.
- 2.9 When this Code requires the prior authority or agreement of an officer of at least inspector or superintendent rank, that authority may be given by a sergeant or chief inspector who has been authorised to perform the functions of the higher rank under Article 84 of PACE NI.
- 2.10 Subject to paragraph 2.18, all records must be timed and signed by the maker.
- 2.11 Records must be made in the custody record, unless otherwise specified.

In any provision of this Code, which allows or requires police officers or police staff to make a record in their notebook, the reference to notebook shall include any official report book or electronic device issued to them that enables the record in question to be made and dealt with in accordance with that provision.

References in this Code to written records, forms and signatures include electronic records and forms and electronic confirmation that identifies the person completing the record or form.

The Chief Constable must be satisfied as to the integrity and security of the devices, records and forms to which this paragraph applies and that use of those devices, records and forms satisfies relevant data protection legislation (taken from Code C paragraph 1.16).

2.12 If any procedure in this Code requires a person’s consent, the consent of a:

- vulnerable person is only valid if given in the presence of the appropriate adult;
- juvenile, is only valid if their parent’s or guardian’s consent is also obtained unless the juvenile is under 14, when their parent’s or guardian’s consent is sufficient in its own right. If the only obstacle to an identification procedure in section 3 is that a juvenile’s parent or guardian refuses consent or reasonable efforts to obtain it have failed, the identification officer may apply the provisions of paragraph 3.22 (suspect known but not available) (see Note 2A).

2.13 If a person is blind, seriously visually impaired or unable to read, the custody officer or identification officer shall make sure their solicitor, relative, appropriate adult or some other person likely to take an interest in them and not involved in the investigation is available to help check any documentation. When this Code requires written consent or signing, the person assisting may be asked to sign instead, if the detainee prefers. This paragraph does not require an appropriate adult to be called solely to assist in checking and signing documentation for a person who is not a juvenile, or vulnerable (see Note 2B and Code C paragraph 3.10).

2.14 If any procedure in this Code requires information to be given to or sought from a suspect, it must be given or sought in the appropriate adult’s and / or registered intermediary’s presence if the suspect is vulnerable or a juvenile. If the appropriate adult and /or registered intermediary is not present when the information is first given or sought, the procedure must be repeated in the presence of the appropriate adult and / or registered intermediary when they arrive. If the suspect appears deaf or there is doubt about their hearing or speaking ability or ability to understand English, the custody officer or identification officer must ensure that the necessary arrangements in accordance with Code C are made for an interpreter to assist the suspect.

2.15 Any procedure in this Code involving the participation of a suspect who is vulnerable or a juvenile, must take place in the presence of the appropriate adult (see Code C paragraph 1.4).

2.16 References to:

- ‘taking a photograph’, include the use of any process to produce a single, still, or moving visual image;
- ‘photographing a person’, should be construed accordingly;



- ‘photographs’, ‘films’, ‘negatives’ and ‘copies’ include relevant visual images recorded, stored, or reproduced through any medium;
- ‘destruction’ includes the deletion of computer data relating to such images or making access to that data impossible.

2.17 This Code does not affect or apply to, the powers and procedures:

- (i) for requiring and taking samples of breath, blood and urine in relation to driving offences etc, when under the influence of drink, drugs or excess alcohol under Articles 13 to 21 of the Road Traffic (NI) Order 1995;
- (ii) under the Immigration Act 1971, Schedule 2, paragraph 18, for taking photographs measuring and identifying and taking biometric information (not including DNA) from persons detained under that Act, Schedule 2, paragraph 16 (Administrative Controls as to Control on Entry etc.); or for taking fingerprints in accordance with the Immigration and Asylum Act 1999; sections 141 and 142(4), or other methods for collecting information about a person’s external physical characteristics provided for by regulations made under that Act, section 144;
- (iii) for taking photographs, fingerprints, skin impressions, body samples or impressions from people who have been:
 - arrested on warrants issued in Scotland, by officers exercising powers under the Criminal Justice and Public Order Act 1994, section 136(2);
 - arrested or detained without warrant by officers in Scotland exercising their powers of arrest or detention under the Criminal Justice and Public Order Act 1994, section 137(2), (Cross Border powers of arrest etc.).

Note: In these cases, police powers and duties and the person’s rights and entitlements whilst at a police station in Northern Ireland are the same as if the person had been arrested in Scotland by a Scottish police officer.

- (iv) under the Terrorism Act 2000 (TACT), Schedule 8, for taking photographs, fingerprints, skin impressions, body samples or impressions from people:
 - arrested under that Act, section 41; or
 - detained for the purposes of examination under that Act, Schedule 7, and to whom the Code of Practice issued under that Act, Schedule 14, paragraph 6, applies (‘the terrorism provisions’) see Note 2BB.
- (v) under the National Security Act 2023 (NSA), Schedule 6, for taking photographs, fingerprints, skin impressions, body samples or impressions from people arrested under that Act, section 28;
- (vi) under the Counter-Terrorism and Border Security Act 2019 for taking photographs, fingerprints, skin impressions, body samples or impressions from people detained for the purposes of examination under Schedule 3.

2.18 Nothing in this Code requires the identity of officers or police staff to be recorded or disclosed:

- (a) in the case of enquiries linked to national security including terrorism;



- (b) if the officers or police staff reasonably believe recording or disclosing their names might put them in danger.

In these cases, they shall use their police identification numbers and the name of their police station (see Note 2C).

2.19 In this Code:

- (a) 'designated person' means a person other than a police officer, who has specified powers and duties of police officers conferred or imposed on them by designation, under the Police (NI) Act 2003, Part 2;
- (b) any reference to a police officer includes a designated person acting in the exercise or performance of the powers and duties conferred or imposed on them by their designation.

2.20 If a power conferred on a designated person:

- (a) allows reasonable force to be used when exercised by a police officer, a designated person exercising that power has the same entitlement to use force;
- (b) includes power to use force to enter any premises, that power is not exercisable by that designated person except:
- (i) in the company, and under the supervision, of a police officer; or
 - (ii) for the purpose of:
 - saving life or limb; or
 - preventing serious damage to property.

2.21 In the case of a detained person nothing in this Code prevents the custody officer, or other police officer or designated person given custody of the detainee by the custody officer for the purposes of the investigation of an offence for which the person is detained, from allowing another person (see (a) and (b)) to carry out individual procedures or tasks at the police station if the law allows. However, the officer or designated person given custody remains responsible for making sure the procedures and tasks are carried out correctly in accordance with the Codes of Practice. The other person who is allowed to carry out the procedures or tasks must be someone who at that time is:

- (a) a person employed by the Northern Ireland Policing Board and under the control and direction of the Chief Constable;
- (b) employed by a person with whom the Northern Ireland Policing Board has a contract for the provision of services relating to persons arrested or otherwise in custody.

2.22 Designated persons and others mentioned in sub-paragraphs (a) and (b) of paragraph 2.21 must have regard to any relevant provisions of the Codes of Practice.



Notes for Guidance

- 2A *For the purposes of paragraph 2.12, the consent required from a parent or guardian may, for a juvenile in the care of the Department of Health, Social Services and Public Safety or a Health and Social Services Board, be given by that Department or Board. In the case of a juvenile, nothing in paragraph 2.12 requires the parent, guardian or representative of a local authority or voluntary organisation to be present to give their consent, unless they are acting as the appropriate adult under paragraphs 2.14 or 2.15. However, it is important that a parent or guardian not present is fully informed before being asked to consent. They must be given the same information about the procedure and the juvenile's suspected involvement in the offence as the juvenile and appropriate adult. The parent or guardian must also be allowed to speak to the juvenile and the appropriate adult if they wish. Provided the consent is fully informed and is not withdrawn, it may be obtained at any time before the procedure takes place.*
- 2B *People who are seriously visually impaired or unable to read may be unwilling to sign police documents. The alternative, i.e. their representative signing on their behalf, seeks to protect the interests of both police and suspects.*
- 2C *The purpose of paragraph 2.18 is to protect those involved in serious organised crime investigations or arrests of particularly violent suspects when there is a reasonable belief that those arrested or their associates may threaten or cause harm to the officers. In cases of doubt, an officer of inspector rank or above should be consulted.*

Section 3: Identification and recognition of suspects

A. Identification of a suspect by an eye-witness

3.0 This part applies when an eye-witness has seen a person committing a crime or in any other circumstances which tend to prove or disprove the involvement of the person they saw in the crime, for example, close to the scene of the crime, immediately before or immediately after it was committed. It sets out the procedures to be used to test the ability of that eye-witness to identify a person suspected of involvement in the offence (“the suspect”) as the person they saw on the previous occasion. Except where stated, this part does not apply to the procedures described in Part B and Note 3AA which is used to test the ability of someone who is not an eye-witness, to recognise anyone whose image they see.

3.1 A record shall be made of the suspect’s description as first given by a potential witness. This record must:

- (a) 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 this Code; and
- (b) unless otherwise specified, be made before the eye-witness takes part in any identification procedures under paragraphs 3.5 to 3.10, 3.22 or 3.24 or Annex E (Showing Photographs to Eye-Witnesses).

A copy of the record shall where practicable, be given to the suspect or their solicitor before any procedures under paragraphs 3.5 to 3.10, 3.22 or 3.24 are carried out (see Note 3E).

3.1A References in this Part:

- (a) to the identity of the suspect being “known” mean that there is sufficient information known to the police to establish, in accordance with Code G (Arrest), that there are reasonable grounds to suspect a particular person of involvement in the offence;
- (b) to the suspect being “available” mean that the suspect is immediately available, or will be available within a reasonably short time, in order that they can be invited to take part in at least one of the eye-witness identification procedures under paragraphs 3.5 to 3.10 and it is practicable to arrange an effective procedure under paragraphs 3.5 to 3.10; and
- (c) to the eye-witness identification procedures under paragraphs 3.5 to 3.10 mean:
 - Video identification (paragraphs 3.5 and 3.6);
 - Identification parade (paragraphs 3.7 and 3.8); and
 - Group identification (paragraphs 3.9 and 3.10).

(a) Cases when the suspect’s identity is not known

3.2 In cases when the suspect’s identity is not known, an eye-witness may be taken to a particular neighbourhood or place to see whether they can identify the person they saw on a previous occasion. Although the number, age, sex, race, general description and style of clothing of other people present at the location and the way

in which any identification is made cannot be controlled, the principles applicable to the formal procedures under paragraphs 3.5 to 3.10 shall be followed as far as practicable. For example:

- (a) where it is practicable to do so, a record should be made of the eye-witness' description of the person they saw on the previous occasion, as in paragraph 3.1(a), before asking the eye-witness to make an identification;
- (b) care must be taken not to provide the eye-witness with any information concerning the description of the suspect (if such information is available) and not to direct the eye-witness' attention to any individual unless, taking into account all the circumstances, this cannot be avoided. However, this does not prevent an eye-witness being asked to look carefully at the people around at the time or to look towards a group or in a particular direction, if this appears necessary to make sure that the witness does not overlook a possible suspect simply because the eye-witness is looking in the opposite direction and also to enable the eye-witness to make comparisons between any suspect and others who are in the area (see Note 3F);
- (c) 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;
- (d) once there is sufficient information to establish, in accordance with paragraph 3.1A(a), that the suspect is "known", e.g. after the eye-witness makes an identification, the provisions set out from paragraph 3.4 onwards shall apply for any other witnesses in relation to that individual;
- (e) the officer or police staff accompanying the eye-witness must record, in their notebook report, the action taken as soon as, and in as much detail, as possible. The record should include:
 - (i) the date, time and place of the relevant occasion the eye-witness claims to have previously seen the person committing the offence in question or in any other circumstances which tend to prove or disprove the involvement of the person they saw in a crime (see paragraph 3.0); and
 - (ii) where any identification was made; how it was made and the conditions at the time (e.g. the distance the eye-witness was from the suspect, the weather and light); if the eye-witness's attention was drawn to the suspect; the reason for this; and anything said by the eye-witness or the suspect about the identification or the conduct of the procedure.

3.3 An eye-witness must not be shown photographs, computerised or artist's composite likenesses or similar likenesses or pictures (including 'E-fit' images) if in accordance with paragraph 3.1A the identity of the suspect is known and they are available to take part in one of the procedures under paragraphs 3.5 to 3.10. If the suspect's identity is not known, the showing of any such images to an eye-witness to see if they can identify a person whose image they are shown as the person they saw on a previous occasion must be done in accordance with Annex E.

(b) Cases when the suspect is known and available

3.4 If the suspect’s identity is known to the police (see paragraph 3.1A(a)) and they are available (see paragraph 3.1A(b)), the identification procedures that may be used are set out in paragraphs 3.5 to 3.10 below as follows:

- (i) video identification;
- (ii) identification parade; or
- (iii) group identification.

Video Identification

3.5 A ‘video identification’ is when the eye-witness is shown moving images of a known suspect, together with similar images of others who resemble the suspect. Moving images must be used unless the conditions in sub-paragraph (a) or (b) apply:

(a) this sub-paragraph applies if:

- (i) the identification officer, in consultation with the officer in charge of the investigation, is satisfied that 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 (see paragraph 3.0 and Note 3AZ);
- (ii) an image (moving or still) is available which the identification officer and the officer in charge of the investigation reasonably believe shows the appearance of the suspect as it was at the time the suspect was seen by the eye-witness; and
- (iii) having regard to the extent of change and the purpose of eye-witness identification procedures (see paragraph 3.0), the identification officer believes that that such an image should be shown to the eye-witness.

In such a case, the identification officer may arrange a video identification procedure using the image described in (ii). In accordance with the “Notice to suspect” (see paragraph 3.17(vi)), the suspect must first be given an opportunity to provide their own image(s) for use in the procedure but it is for the identification officer and officer in charge of the investigation to decide whether, following (ii) and (iii), any image(s) provided by the suspect should be used.

A video identification using an image described in this section may, at the discretion of the identification officer be arranged in addition to, or as an alternative to, a video identification using moving images taken after the suspect has been given the information and notice described in paragraphs 3.17 and 3.18.

See paragraph 3.21 and Note 3D in any case where the suspect deliberately takes steps to frustrate the eye-witness identification arrangements and procedures.

(b) this sub-paragraph applies if, in accordance with paragraph 2A of Annex A of this Code, the identification officer does not consider that replication of a physical feature or concealment of the location of the feature can be achieved using a moving image. In these cases, still images may be used.

3.6 Video identifications must be carried out in accordance with Annex A.



Identification parade

- 3.7 An ‘identification parade’ is when the eye-witness sees the suspect in a line of others who resemble the suspect.
- 3.8 Identification parades must be carried out in accordance with Annex B.

Group identification

- 3.9 A ‘group identification’ is when the eye-witness sees the suspect in an informal group of people.
- 3.10 Group identifications must be carried out in accordance with Annex C.

Arranging eye-witness identification procedures – duties of identification officer

- 3.11 Except for the provisions in paragraph 3.20, the arrangements for, and conduct of, the identification procedures in paragraphs 3.5 to 3.10 and circumstances in which an identification procedure must be held shall be the responsibility of an officer not below inspector rank who is not involved with the investigation, ‘the identification officer’. Unless otherwise specified, the identification officer may direct another officer or police staff, see paragraph 2.21, to make arrangements for, and conduct, any of these identification procedures and except as provided for in paragraph 7 of Annex A, any reference in this section to the identification officer includes the officer or police staff to whom the arrangements for, and/or conduct of, any of these procedure has been delegated.

In delegating these arrangements and procedures, the identification officer must be able to supervise effectively and either intervene or be contacted for advice. Where any action referred to in this paragraph is taken by another officer or police staff at the direction of the identification officer, the outcome shall, as soon as practicable, be reported to the identification officer. For the purpose of these procedures, the identification officer retains overall responsibility for ensuring that the procedure complies with this Code and in addition, in the case of detained suspects, their care and treatment until returned to the custody officer. Except as permitted by this Code, no officer or any other person involved with the investigation of the case against the suspect, beyond the extent required by these procedures, may take any part in these procedures or act as the identification officer.

This paragraph does not prevent the identification officer from consulting the officer in charge of the investigation to determine which procedure to use. When an identification procedure is required, in the interest of fairness to suspects and eye-witnesses, it must be held as soon as practicable.

Circumstances in which an eye-witness identification procedure must be held

- 3.12 If, before any identification procedure set out in paragraphs 3.5 to 3.10 has been held
- (a) an eye-witness has identified a suspect or purported to have identified them; or
 - (b) there is an eye-witness available, who expresses an ability to identify the suspect; or

- (c) there is a reasonable chance of the eye-witness being able to identify the suspect, and the eye-witness in (a) to (c) has not been given an opportunity to identify the suspect in any of the procedures set out in paragraphs 3.5 to 3.10, and the suspect disputes being the person the eye-witness claims to have seen on a previous occasion (see paragraph 3.0) unless:
- (i) it is not practicable to hold any such procedure; or
 - (ii) any such procedure would serve no useful purpose in proving or disproving whether the suspect was involved in committing the offence, for example:
 - where the suspect admits being at the scene of the crime and gives an account of what took place and the eye-witness does not see anything which contradicts that;
 - when it is not disputed that the suspect is already well known to the eye-witness who claims to have seen them commit the crime.

3.13 An eye-witness identification procedure may also be held if the officer in charge of the investigation, after consultation with the identification officer, considers it would be useful.

Selecting an eye-witness identification procedure

- 3.14 If, because of paragraph 3.12, an identification procedure is to be held, the suspect shall initially be offered a video identification unless:
- (a) a video identification is not practicable; or
 - (b) an identification parade is both practicable and more suitable than a video identification; or
 - (c) paragraph 3.16 applies.

The identification officer and the officer in charge of the investigation shall consult each other to determine which option is to be offered. An identification parade may not be practicable because of factors relating to the witnesses, such as their number, state of health, availability and travelling requirements. A video identification would normally be more suitable if it could be arranged and completed sooner than an identification parade. Before an option is offered the suspect must also be reminded of their entitlement to have free legal advice, see Code C, paragraph 6.4.

- 3.15 A suspect who refuses the identification procedure in which the suspect is first invited to take part shall be asked to state their reason for refusing and may get advice from their solicitor and/or if present, their appropriate adult. The suspect, solicitor and/or appropriate adult shall be allowed to make representations about why another procedure should be used. A record should be made of the reasons for refusal and any representations made. After considering any reasons given, and representations made, the identification officer shall, if appropriate, arrange for the suspect to be invited to take part in an alternative which the officer considers suitable and practicable. If the officer decides it is not suitable and practicable to invite the suspect to take part in an alternative identification procedure, the reasons for that decision shall be recorded.

- 3.16 A suspect may initially be invited to take part in a group identification if the officer in charge of the investigation considers it is more suitable than a video identification or an identification parade and the identification officer considers it practicable to arrange.

Notice to suspect

- 3.17 Unless paragraph 3.21 applies, before any eye-witness identification procedure set out in paragraphs 3.5 to 3.10 is arranged, the following shall be explained to the suspect:

- (i) the purposes of the procedure (see paragraph 3.0);
- (ii) their entitlement to legal advice, see Code C, paragraph 6.4;
- (iii) the procedures for holding it, including their right, subject to Annex A, paragraph 9 to have a solicitor or friend present;
- (iv) that they do not have to consent to or co-operate in the procedure;
- (v) that if they do not consent to, and co-operate in a procedure, their refusal may be given in evidence in any subsequent trial and police may proceed covertly without their consent or make other arrangements to test whether an eye-witness can identify them, see paragraph 3.22;
- (vi) whether, for the purposes of the video identification procedure, images of them have previously been obtained either:
 - In accordance with paragraph 3.21, and if so, that they may co-operate in providing further, suitable images to be used instead; or
 - in accordance with paragraph 3.5(a), and if so, that they may provide their own images for the identification officer to consider using.
- (vii) if appropriate, the special arrangements for juveniles;
- (viii) if appropriate, the special arrangements for vulnerable people;
- (ix) that if they significantly alter their appearance between being offered an identification procedure and any attempt to hold an identification procedure, this may be given in evidence if the case comes to trial, and the identification officer may then consider other forms of identification, (see paragraph 3.22 and Note 3C);
- (x) that a moving image or photograph may be taken of them when they attend for any identification procedure;
- (xi) whether, before their identity became known, the eye-witness was shown photographs, a computerised or artist’s composite likeness or similar likeness or image by the police (see Note 3B);
- (xii) that if they change their appearance before an identification parade, it may not be practicable to arrange one on the day or subsequently and, because of the appearance change, the identification officer may consider alternative methods of identification (see Note 3C);
- (xiii) that they or their solicitor will be provided with details of the description of the suspect as first given by any eye-witnesses who are to attend the procedure or confrontation (see paragraph 3.1).



- 3.18 This information must also be recorded in a written notice handed to the suspect. The suspect must be given a reasonable opportunity to read the notice, after which, they should be asked to sign a second copy to indicate if they are willing to co-operate with the making of a video or take part in the identification parade or group identification. The signed copy shall be retained by the identification officer.
- 3.19 Not used.
- 3.20 In the case of a detained suspect, the duties under paragraphs 3.17 and 3.18 may be performed by the custody officer or by another officer or police staff not involved in the investigation as directed by the custody officer if:

- (a) 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, see paragraph 3.11, before the suspect leaves the 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, see paragraph 3.11, would cause unreasonable delay to the investigation.

The officer concerned shall inform the identification officer of the action taken and give them the signed copy of the notice (see Note 3C).

- 3.21 If the identification officer and officer in charge of the investigation suspect, on reasonable grounds that if the suspect was given the information and notice as in paragraphs 3.17 and 3.18, they would then take steps to avoid being seen by a witness in any identification procedure, the identification officer may arrange for images of the suspect suitable for use in a video identification procedure to be obtained before giving the information and notice. If suspect's images are obtained in these circumstances, the suspect may, for the purposes of a video identification procedure, co-operate in providing new images, which if suitable, would be used instead, see paragraph 3.17(vi).

(c) Cases when the suspect is known but not available

- 3.22 When a known suspect is not available or has ceased to be available, see paragraph 3.1A, the identification officer may make arrangements for a video identification (see paragraph 3.5 and Annex A). If necessary, the identification officer may follow the video identification procedures using any suitable moving or still images and these may be obtained covertly if necessary. Alternatively, the identification officer may make arrangements for a group identification without the suspect's consent (see Annex C paragraph 34) (see Note 3D). These provisions may also be applied to juveniles where the consent of their parent or guardian is either refused or reasonable efforts to obtain that consent have failed, see paragraph 2.12.
- 3.23 Any covert activity should be strictly limited to that necessary to test the ability of the eye-witness to identify the suspect as the person they saw on the relevant previous occasion.

3.24 The identification officer may arrange for the suspect to be confronted by the eye-witness if none of the options referred to in paragraphs 3.5 to 3.10 or 3.22 are practicable. A “confrontation” is when the suspect is directly confronted by the eye-witness. A confrontation does not require the suspect’s consent. Confrontations must be carried out in accordance with Annex D.

3.25 Requirements for information to be given to, or sought from, a suspect or for the suspect to be given an opportunity to view images before they are shown to an eye-witness, do not apply if the suspect’s lack of co-operation prevents the necessary action.

(d) Documentation

3.26 A record shall be made of the video identification, identification parade, group identification or confrontation on forms provided for the purpose.

3.27 If the identification officer considers it is not practicable to hold a video identification or identification parade requested by the suspect, the reasons shall be recorded and explained to the suspect.

3.28 A record shall be made of a person’s failure or refusal to co-operate in a video identification, identification parade or group identification and, if applicable, of the grounds for obtaining images in accordance with paragraph 3.21.

(e) Not used

3.29 Not used.

3.30 Not used.

(f) Destruction and retention of photographs taken or used in eye-witness identification procedures

3.31 Article 64A of PACE NI, see paragraph 5.12, provides powers to take photographs of suspects and allows these photographs to be used or disclosed only for purposes related to the prevention or detection of crime, the investigation of offences or the conduct of prosecutions by, or on behalf of, police or other law enforcement and prosecuting authorities inside and outside the United Kingdom or the enforcement of a sentence. After being so used or disclosed, they may be retained but can only be used or disclosed for the same purposes.

3.32 Subject to paragraph 3.34, the photographs (and all negatives and copies), of suspects not taken in accordance with the provisions in paragraph 5.12 which are taken for the purposes of, or in connection with, the identification procedures in paragraphs 3.5 to 3.10, 3.22 or 3.24 must be destroyed unless the suspect:

- (a) is charged with, or informed they may be prosecuted for, a recordable offence;
- (b) is prosecuted for a recordable offence;
- (c) is cautioned for a recordable offence; or
- (d) gives informed consent, in writing, for the photograph or images to be retained for purposes described in paragraph 3.31.



- 3.33 When paragraph 3.32 requires the destruction of any photograph, the person must be given an opportunity to witness the destruction or to have a certificate confirming the destruction if they request one within five days of being informed that the destruction is required.
- 3.34 Nothing in paragraph 3.32 affects any separate requirement under the Criminal Procedure and Investigations Act 1996 to retain material in connection with criminal investigations.

B. Recognition by controlled showing of films, photographs and other images

- 3.35 This Part of this section applies when, for the purposes of obtaining evidence of recognition, arrangements are made for a person, including a police officer, who is not an eye-witness, (see Note 3AA):

- (a) to view a film, photograph or any other visual medium; and
- (b) on the occasion of the viewing, to be asked whether they recognise anyone whose image is shown in the material as someone who is known to them.

The arrangements for such viewings may be made by the officer in charge of the relevant investigation. Although there is no requirement for the identification officer to make the arrangements or to be consulted about the arrangements, nothing prevents this (see Notes 3AA and 3G).

- 3.36 To provide safeguards against mistaken recognition and to avoid any possibility of collusion, on the occasion of the viewing, the arrangements should ensure:
- (a) that the films, photographs and other images are shown on an individual basis;
 - (b) that any person who views the material;
 - (i) is unable to communicate with any other individual to whom the material has been, or is to be, shown;
 - (ii) is not reminded of any photograph or description of any individual whose image is shown or given any other indication as to the identity of any such individual;
 - (iii) is not to be told whether a previous witness has recognised any one;
 - (c) that immediately before a person views the material, they are told that:
 - (i) an individual who is known to them may, or may not, appear in the material they are shown and that if they do not recognise anyone, they should say so;
 - (ii) at any point, they may ask to see a particular part of the material frozen for them to study and there is no limit on how many times they can view the whole or any part or parts of the material; and
 - (d) that the person who views the material is not asked to make any decision as to whether they recognise anyone whose image they have seen as someone known to them until they have seen the whole of the material at least twice, unless the officer in charge of the viewing decides that because of the number of images the person has been invited to view, it would not be reasonable to ask

them to view the whole of the material for a second time. A record of this decision must be included in the record that is made in accordance with paragraph 3.37 (see Annex E).

- 3.37 A record of the circumstances and conditions under which the person is given an opportunity to recognise the individual must be made and the record must include:
- (a) whether the person knew or was given information concerning the name or identity of any suspect;
 - (b) what the person has been told before the viewing about the offence, the person(s) depicted in the images or the offender and by whom;
 - (c) how and by whom the witness was asked to view the image or look at the individual;
 - (d) whether the viewing was alone or with others and if with others, the reason for it;
 - (e) the arrangements under which the person viewed the film or saw the individual and by whom those arrangements were made;
 - (f) subject to paragraph 2.18, the name and rank of the officer responsible for deciding that the viewing arrangements should be made in accordance with this Part;
 - (g) the date time and place images were viewed or further viewed or the individual was seen;
 - (h) the times between which the images were viewed or the individual was seen;
 - (i) how the viewing of images or sighting of the individual was controlled and by whom;
 - (j) whether the person was familiar with the location shown in any images or the place where they saw the individual and if so, why;
 - (k) whether or not on this occasion, the person claims to recognise any image shown, or any individual seen, as being someone known to them, and if they do:
 - (i) the reason;
 - (ii) the words of recognition;
 - (iii) any expressions of doubt; and
 - (iv) what features of the image or the individual triggered the recognition.
- 3.38 The record required under paragraph 3.37 may be made by:
- the person who views the image or sees the individual and makes the recognition; and
 - if applicable, by the officer or police staff in charge of showing the images to the person or in charge of the conditions under which the person sees the individual.

The person must be asked to read and check the completed record and as applicable, confirm that it is correct and accurately reflects the part they played in the viewing (see Note 3H).

C. Recognition by uncontrolled viewing of films, photographs and images

- 3.39 This Part applies when, for the purpose of identifying and tracing suspects, films and photographs of incidents or other images are:
- (a) shown to the public (which may include police officers and police staff as well as members of the public) through the national or local media or any social media networking site; or
 - (b) circulated through local or national police communication systems for viewing by police officers and police staff; and
- the viewing is not formally controlled and supervised as set out in Part B.
- 3.40 A copy of the relevant material released to the national or local media for showing as described in sub-paragraph 3.39(a), shall be kept. The suspect or their solicitor shall be allowed to view such material before any eye-witness identification procedure under paragraphs 3.5 to 3.10, 3.21 or 3.23 of Part A are carried out, provided it is practicable and would not unreasonably delay the investigation. This paragraph does not affect any separate requirement under the Criminal Procedure and Investigations Act 1996 to retain material in connection with criminal investigations that might apply to sub-paragraphs 3.39(a) and (b).
- 3.41 Each eye-witness involved in any eye-witness identification procedure under paragraphs 3.5 to 3.10, 3.21 or 3.23 shall be asked, after they have taken part, whether they have seen any film, photograph or image relating to the offence or any description of the suspect which has been broadcast or published as described in paragraph 3.39(a) and their reply recorded. If they have, they should be asked to give details of the circumstances and subject to the eye-witness's recollection, the record described in paragraph 3.42 should be completed.
- 3.42 As soon as practicable after an individual (member of the public, police officer or police staff) indicates in response to a viewing that they may have information relating to the identity and whereabouts of anyone they have seen in that viewing, arrangements should be made to ensure that they are asked to give details of the circumstances and, subject to the individual's recollection, a record of the circumstances and conditions under which the viewing took place is made. This record shall be made in accordance with the provisions of paragraph 3.37 insofar as they can be applied to the viewing in question (see Note 3H).

Notes for Guidance

- 3AA *The eye-witness identification procedures in Part A should not be used to test whether a witness can recognise a person as someone they know and would be able to give evidence of recognition along the lines that "On (describe date, time location and circumstances) I saw an image of an individual who I recognised as AB." In these cases, the procedures in Part B shall apply if the viewing is controlled and the procedure in Part C shall apply if the viewing is not controlled.*

- 3AZ *In paragraph 3.5(a)(i), examples of physical changes or differences that the identification officer may wish to consider include hair style and colour, weight, facial hair, wearing or removal of spectacles and tinted contact lenses, facial injuries, tattoos and makeup.*
- 3A *Except for the provisions of Annex E paragraph 1, a police officer who is a witness for the purposes of this part of the Code is subject to the same principles and procedures as a civilian witness.*
- 3B *When an eye-witness attending an identification procedure has previously been shown photographs or been shown or provided with computerised or artist's composite likenesses, or similar likenesses or pictures, it is the officer in charge of the investigation's responsibility to make the identification officer aware of this.*
- 3C *The purpose of paragraph 3.20 is to avoid or reduce delay in arranging identification procedures by enabling the required information and warnings, see sub-paragraphs 3.17(ix) and 3.17(xii), to be given at the earliest opportunity.*
- 3D *Paragraph 3.22 would apply when a known suspect becomes 'unavailable' and thereby delays or frustrates arrangements for obtaining identification evidence. It also applies when a suspect refuses or fails to take part in a video identification, an identification parade or a group identification, or refuses or fails to take part in the only practicable options from that list. It enables any suitable images of the suspect, moving or still, which are available or can be obtained, to be used in an identification procedure. Examples include images from custody and other CCTV systems and from visually recorded interview records, see Code F, Note for Guidance 2D.*
- 3E *When it is proposed to show photographs to a witness in accordance with Annex E, it is the responsibility of the officer in charge of the investigation to confirm to the officer responsible for supervising and directing the showing, that the first description of the suspect given by that eye-witness has been recorded. If this description has not been recorded, the procedure under Annex E must be postponed (see Annex E paragraph 2).*
- 3F *The admissibility and value of identification evidence obtained when carrying out the procedure under paragraph 3.2 may be compromised if:*
- *before a person is identified, the witness' attention is specifically drawn to that person; or*
 - *the suspect's identity becomes known before the procedure.*
- 3G *The admissibility and value of evidence of recognition obtained when carrying out the procedures in Part B may be compromised if before the person is recognised, the witness who has claimed to know them is given or is made, or becomes aware of, information about the person which was not previously known to them personally but which they have purported to rely on to support their claim that the person is in fact known to them.*
- 3H *It is important that the record referred to in paragraphs 3.37 and 3.42 is made as soon as practicable after the viewing and whilst it is fresh in the mind of the individual who makes the recognition.*

Section 4: Identification by fingerprints and footwear impressions

A. Taking fingerprints in connection with a criminal investigation

(a) General

4.1 References to ‘fingerprints’ mean any record, produced by any method, of the skin pattern and other physical characteristics or features of a person’s:

- (i) fingers; or
- (ii) palms.

(b) Action

4.2 A person’s fingerprints may be taken in connection with the investigation of an offence only with their consent or if paragraph 4.3 applies. If the person is at a police station consent must be in writing.

4.3 Article 61 of PACE NI, provides powers to take fingerprints without consent from any person aged ten or over as follows:

- (a) under Article 61(3), from a person detained at a police station in consequence of being arrested for a recordable offence (see Note 4A), if they have not had their fingerprints taken in the course of the investigation of the offence unless those previously taken fingerprints are not a complete set or some or all of those fingerprints are not of sufficient quality to allow satisfactory analysis, comparison or matching.
- (b) under Article 61(4), from a person detained at a police station who has been charged with a recordable offence (see Note 4A), or informed they will be reported for such an offence if they have not had their fingerprints taken in the course of the investigation of the offence unless those previously taken fingerprints are not a complete set or some or all of those fingerprints are not of sufficient quality to allow satisfactory analysis, comparison or matching.
- (c) under Article 61(4AA), from a person who has been bailed to appear at a court or police station if the person:
 - (i) has answered to bail for a person whose fingerprints were taken previously and there are reasonable grounds for believing they are not the same person; or
 - (ii) who has answered to bail claims to be a different person from a person whose fingerprints were previously taken;

and in either case, the court or an officer of inspector rank or above, authorises the fingerprints to be taken at the court or police station (an inspector’s authority may be given in writing or orally and confirmed in writing, as soon as practicable.

- (d) under Article 61(6), from a person who has been:
 - (i) convicted of a recordable offence;

- (ii) given a caution in respect of a recordable offence which, at the time of the caution, the person admitted;
 - (iii) warned for a recordable offence.
- (e) under section 61(6A) from a person a constable reasonably suspects is committing or attempting to commit, or has committed or attempted to commit, any offence if either:
- (i) the person's name is unknown to, and cannot be readily ascertained by, the constable; or
 - (ii) the constable has reasonable grounds for doubting whether a name given by the person as their name is their real name.

Note: fingerprints taken under this power are not regarded as having been taken in the course of the investigation of an offence (see Note 4C).

4.4 Article 29 of PACE NI provides power to:

- (a) require the person as in paragraph 4.3(d) to attend a police station to have their fingerprints taken if the:
 - (i) person has not been in police detention for the offence and has not had their fingerprints taken in the course of the investigation of that offence; or
 - (ii) fingerprints that were taken from the person in the course of the investigation of that offence, do not constitute a complete set or some, or all, of the fingerprints are not of sufficient quality to allow satisfactory analysis, comparison or matching; and
- (b) arrest, without warrant, a person who fails to comply with the requirement.

Note: The requirement must be made within one month of the date the person is convicted, cautioned or warned and the person must be given a period of at least 7 days within which to attend. This 7 day period need not fall during the month allowed for making the requirement.

4.5 A person's fingerprints may be taken electronically.

4.6 Reasonable force may be used, if necessary, to take a person's fingerprints without their consent under the powers as in paragraphs 4.3 and 4.4.

4.7 Before any fingerprints are taken with, or without, consent, the person must be informed:

- (a) of the reason their fingerprints are to be taken;
- (b) of the grounds on which the relevant authority has been given if the powers mentioned in paragraph 4.3(c) applies;
- (c) that their fingerprints may be retained and may be subject of a speculative search against other fingerprints (see Note 4B), unless destruction of the fingerprints is required in accordance with Annex F, Part (a); and
- (d) that if their fingerprints are required to be destroyed, they may witness their destruction as provided for in Annex F, Part (a).

(c) Documentation

- 4.8 A record must be made as soon as possible, of the reason for taking a person's fingerprints without consent. If force is used, a record shall be made of the circumstances and those present.
- 4.9 A record shall be made when a person has been informed under the terms of paragraph 4.7(c), of the possibility that their fingerprints may be the subject of a speculative search.

B. Not used

- 4.10 Not used.
- 4.11 Not used.
- 4.12 Not used.
- 4.13 Not used.
- 4.14 Not used.
- 4.15 Not used.

C. Taking footwear impressions in connection with a criminal investigation

(a) Action

- 4.16 Impressions of a person's footwear may be taken in connection with the investigation of an offence only with their consent or if paragraph 4.17 applies. If the person is at a police station consent must be in writing.
- 4.17 Article 61A of PACE NI, provides power for a police officer to take footwear impressions without consent from any person aged ten or over who is detained at a police station:
- (a) in consequence of being arrested for a recordable offence (see Note 4A); or if the detainee has been charged with a recordable offence, or informed they will be reported for such an offence; and
 - (b) the detainee has not had an impression of their footwear taken in the course of the investigation of the offence unless the previously taken impression is not complete or is not of sufficient quality to allow satisfactory analysis, comparison or matching (whether in the case in question or generally).
- 4.18 Reasonable force may be used, if necessary, to take a footwear impression from a detainee without consent under the power in paragraph 4.17.
- 4.19 Before any footwear impression is taken with, or without, consent, the person must be informed:
- (a) of the reason the impression is to be taken;
 - (b) that the impression may be retained and may be subject of a speculative search against other impressions (see Note 4B).



(b) Documentation

- 4.20 A record must be made as soon as possible, of the reason for taking a person's footwear impressions without consent. If force is used, a record shall be made of the circumstances and those present.
- 4.21 A record shall be made when a person has been informed under the terms of paragraph 4.19(b), of the possibility that their footwear impressions may be subject of a speculative search.

Notes for Guidance

- 4A *References to 'recordable offences' in this Code relate to those offences for which convictions, cautions and warnings may be recorded in national police records. See Article 29(4) of PACE NI. The recordable offences current at the time when this Code was prepared, are any offences which carry a sentence of imprisonment on conviction (irrespective of the period, or the age of the offender or actual sentence passed) in addition to a number of the non-imprisonable offences which have been determined in regulations as being recordable.*
- 4B *Fingerprints, footwear impressions or a DNA sample (and the information derived from it) taken from a person arrested on suspicion of being involved in a recordable offence, or charged with such an offence, or informed they will be reported for such an offence, may be subject of a speculative search. This means the fingerprints, footwear impressions or DNA sample may be checked against other fingerprints, footwear impressions and DNA records held by, or on behalf of, the police and other law enforcement authorities in, or outside, the UK, or held in connection with, or as a result of, an investigation of an offence inside or outside the UK.*
- 4C *Not used.*

Section 5: Examinations to establish identity and the taking of photographs

A. Detainees at police stations

(a) Searching or examination of detainees at police stations

- 5.1 Article 55A of PACE NI, allows a detainee at a police station to be searched or examined or both, to establish:
- (a) whether they have any marks, features or injuries that would tend to identify them as a person involved in the commission of an offence and to photograph any identifying marks, see paragraph 5.5; or
 - (b) their identity (see Note 5A).

A person detained at a police station to be searched under a stop and search power, see Code A, is not a detainee for the purposes of these powers.

- 5.2 A search and/or examination to find marks under Article 55A(1) may be carried out without the detainee's consent, see paragraph 2.12, only if authorised by an officer of at least inspector rank when consent has been withheld or it is not practicable to obtain consent (see Note 5D).
- 5.3 A search or examination to establish a suspect's identity under Article 55A(1) (b) may be carried out without the detainee's consent, see paragraph 2.12, only if authorised by an officer of at least inspector rank when the detainee has refused to identify themselves or the authorising officer has reasonable grounds for suspecting the person is not who they claim to be.
- 5.4 Any marks that assist in establishing the detainee's identity, or their identification as a person involved in the commission of an offence, are identifying marks. Such marks may be photographed with the detainee's consent, see paragraph 2.12; or without their consent if it is withheld or it is not practicable to obtain it (see Note 5D).
- 5.5 A detainee may only be searched, examined and photographed under Article 55A, by a police officer of the same sex.
- 5.6 Any photographs of identifying marks, taken under Article 55A, may be used or disclosed only for purposes related to the prevention or detection of crime, the investigation of offences or the conduct of prosecutions by, or on behalf of, police or other law enforcement and prosecuting authorities inside, and outside, the UK. After being so used or disclosed, the photograph may be retained but must not be used or disclosed except for these purposes (see Note 5B).
- 5.7 The powers, as in paragraph 5.1, do not affect any separate requirement under the Criminal Procedure and Investigations Act 1996 to retain material in connection with criminal investigations.
- 5.8 Authority for the search and/or examination for the purposes of paragraphs 5.2 and 5.3 may be given orally or in writing. If given orally, the authorising officer must confirm it in writing as soon as practicable. A separate authority is required for each purpose which applies.

- 5.9 If it is established a person is unwilling to co-operate sufficiently to enable a search and/or examination to take place or a suitable photograph to be taken, an officer may use reasonable force to:
- (a) search and/or examine a detainee without their consent; and
 - (b) photograph any identifying marks without their consent.
- 5.10 The thoroughness and extent of any search or examination carried out in accordance with the powers in Article 55A must be no more than the officer considers necessary to achieve the required purpose. Any search or examination which involves the removal of more than the person's outer clothing shall be conducted in accordance with Code C, Annex A, paragraph 11.
- 5.11 An intimate search may not be carried out under the powers in Article 55A.
- (b) Photographing detainees at police stations and other persons elsewhere than at a police station.**
- 5.12 Under Article 64A of PACE NI, an officer may photograph:
- (a) any person whilst they are detained at a police station; and
 - (b) any person who is elsewhere than at a police station and who has been:
 - (i) arrested by a constable for an offence;
 - (ii) taken into custody by a constable after being arrested for an offence by a person other than a constable;
 - (iii) given a fixed penalty notice by a constable in uniform under Article 60 of the Road Traffic Offenders (Northern Ireland) Order 1996.
- 5.12A Photographs taken under Article 64A of PACE NI:
- (a) may be taken with the person's consent, or without their consent if consent is withheld or it is not practicable to obtain their consent (see Note 5E); and
 - (b) may be used or disclosed only for purposes related to the prevention or detection of crime, the investigation of offences or the conduct of prosecutions by, or on behalf of, police or other law enforcement and prosecuting authorities inside and outside the United Kingdom or the enforcement of any sentence or order made by a court when dealing with an offence. After being so used or disclosed, they may be retained but can only be used or disclosed for the same purposes (see Note 5B).
- 5.13 The officer proposing to take a detainee's photograph may, for this purpose, require the person to remove any item or substance worn on, or over, all, or any part of, their head or face. If they do not comply with such a requirement, the officer may remove the item or substance.
- 5.14 If it is established the detainee is unwilling to co-operate sufficiently to enable a suitable photograph to be taken and it is not reasonably practicable to take the photograph covertly, an officer may use reasonable force:
- (a) to take their photograph without their consent; and

- (b) for the purpose of taking the photograph, remove any item or substance worn on, or over, all, or any part of, the person's head or face which they have failed to remove when asked (see Note 5F).

5.15 For the purposes of this Code, a photograph may be obtained without the person's consent by making a copy of an image of them taken at any time on a camera system installed anywhere in the police station.

(c) Information to be given

5.16 When a person is searched, examined or photographed under the provisions as in paragraph 5.1 and 5.12, or their photograph obtained as in paragraph 5.15, they must be informed of the:

- (a) purpose of the search, examination or photograph;
- (b) grounds on which the relevant authority, if applicable, has been given; and
- (c) purposes for which the photograph may be used, disclosed or retained.

This information must be given before the search or examination commences or the photograph is taken, except if the photograph is:

- (i) to be taken covertly;
- (ii) obtained as in paragraph 5.15, in which case the person must be informed as soon as practicable after the photograph is taken or obtained.

(d) Documentation

5.17 A record must be made when a detainee is searched, examined, or a photograph of the person, or any identifying marks found on them, are taken. The record must include the:

- (a) identity, subject to paragraph 2.18, of the officer carrying out the search, examination or taking the photograph;
- (b) purpose of the search, examination or photograph and the outcome;
- (c) detainee's consent to the search, examination or photograph, or the reason the person was searched, examined or photographed without consent;
- (d) giving of any authority as in paragraphs 5.2 and 5.3, the grounds for giving it and the authorising officer.

5.18 If force is used when searching, examining or taking a photograph in accordance with this section, a record shall be made of the circumstances and those present.

B. Persons at police stations not detained

5.19 When there are reasonable grounds for suspecting the involvement of a person in a criminal offence, but that person is at a police station voluntarily and not detained, the provisions of paragraphs 5.1 to 5.18 should apply, subject to the modifications in the following paragraphs.

5.20 References to the 'person being detained' and to the powers mentioned in paragraph 5.1, which apply only to detainees at police stations, shall be omitted.

- 5.21 Force may not be used to:
- (a) search and/or examine the person to:
 - (i) discover whether they have any marks that would tend to identify them as a person involved in the commission of an offence; or
 - (ii) establish their identity (see Note 5A);
 - (b) take photographs of any identifying marks, see paragraph 5.4; or
 - (c) take a photograph of the person.
- 5.22 Subject to paragraph 5.24, the photographs of persons, or of their identifying marks, which are not taken in accordance with the provisions mentioned in paragraphs 5.1 or 5.12, must be destroyed (together with any negatives and copies) unless the person:
- (a) is charged with, or informed they may be prosecuted for, a recordable offence;
 - (b) is prosecuted for a recordable offence;
 - (c) is cautioned or given a warning for a recordable offence; or
 - (d) gives informed consent, in writing, for the photograph or image to be retained as in paragraph 5.6.
- 5.23 When paragraph 5.22 requires the destruction of any photograph, the person must be given an opportunity to witness the destruction or to have a certificate confirming the destruction provided they so request the certificate within five days of being informed the destruction is required.
- 5.24 Nothing in paragraph 5.22 affects any separate requirement under the Criminal Procedure and Investigations Act 1996 to retain material in connection with criminal investigations.

Notes for Guidance

- 5A *The conditions under which fingerprints may be taken to assist in establishing a person's identity, are described in section 4.*
- 5B *Examples of purposes related to the prevention or detection of crime, the investigation of offences or the conduct of prosecutions include:*
- (a) *checking the photograph against other photographs held in records or in connection with, or as a result of, an investigation of an offence to establish whether the person is liable to arrest for other offences;*
 - (b) *when the person is arrested at the same time as other people, or at a time when it is likely that other people will be arrested, using the photograph to help establish who was arrested, at what time and where;*
 - (c) *when the real identity of the person is not known and cannot be readily ascertained or there are reasonable grounds for doubting a name and other personal details given by the person, are their real name and personal details. In these circumstances, using or disclosing the photograph to help to establish or*

verify their real identity or determine whether they are liable to arrest for some other offence, e.g. by checking it against other photographs held in records or in connection with, or as a result of, an investigation of an offence;

- (d) when it appears any identification procedure in section 3 may need to be arranged for which the person's photograph would assist;*
- (e) when the person's release without charge may be required, and if the release is:
 - (i) on bail to appear at a police station, using the photograph to help verify the person's identity when they answer their bail and if the person does not answer their bail, to assist in arresting them; or*
 - (ii) without bail, using the photograph to help verify their identity or assist in locating them for the purposes of serving them with a summons to appear at court in criminal proceedings;**
- (f) when the person has answered to bail at a police station and there are reasonable grounds for doubting they are the person who was previously granted bail, using the photograph to help establish or verify their identity;*
- (g) when the person arrested on a warrant claims to be a different person from the person named on the warrant and a photograph would help to confirm or disprove their claim;*
- (h) when the person has been charged with, reported for, or convicted of, a recordable offence and their photograph is not already on record as a result of (a) to (f) or their photograph is on record but their appearance has changed since it was taken and the person has not yet been released or brought before a court.*

5C *There is no power to arrest a person convicted of a recordable offence solely to take their photograph. The power to take photographs in this section applies only where the person is in custody as a result of the exercise of another power, e.g. on arrest for a recordable offence.*

5D *Examples of when it would not be practicable to obtain a detainee's consent, see paragraph 2.12, to a search, examination or the taking of a photograph of an identifying mark include:*

- (a) when the person is drunk or otherwise unfit to give consent;*
- (b) when there are reasonable grounds to suspect that if the person became aware a search or examination was to take place or an identifying mark was to be photographed, they would take steps to prevent this happening, e.g. by violently resisting, covering or concealing the mark etc and it would not otherwise be possible to carry out the search or examination or to photograph any identifying mark;*
- (c) in the case of a juvenile, if the parent or guardian cannot be contacted insufficient time to allow the search or examination to be carried out or the photograph to be taken.*

5E *Examples of when it would not be practicable to obtain the person's consent, see paragraph 2.12, to a photograph being taken include:*

- (a) when the person is drunk or otherwise unfit to give consent;*

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- (b) when there are reasonable ground to suspect that if the person became aware a photograph, suitable to be used or disclosed for the use and disclosure described in paragraph 5.6 was to be taken, they would take steps to prevent it being taken, e.g. by violently resisting, covering or distorting their face etc, and it would not otherwise be possible to take a suitable photograph;*
- (c) when, in order to obtain a suitable photograph, it is necessary to take it covertly; and*
- (d) in the case of a juvenile, if the parent or guardian cannot be contacted in sufficient time to allow the photograph to be taken.*

5F The use of reasonable force to take the photograph of a suspect elsewhere than at a police station must be carefully considered. In order to obtain a suspect's consent and co-operation to remove an item of religious headwear to take their photograph, a constable should consider whether in the circumstances of the situation the removal of the headwear and the taking of the photograph should be by an officer of the same sex as the person. It would be appropriate for these actions to be conducted out of public view.

Section 6: Identification by body samples and impressions

A. General

6.1 References to:

- (a) an 'intimate sample' mean a dental impression or sample of blood, semen or any other tissue fluid, urine, or pubic hair, or a swab taken from any part of a person's genitals or from a person's body orifice other than the mouth;
- (b) a 'non-intimate sample' means:
 - (i) a sample of hair, other than pubic hair, which includes hair plucked with the root (see Note 6A);
 - (ii) a sample taken from a nail or from under a nail;
 - (iii) a swab taken from any part of a person's body other than a part from which a swab taken would be an intimate sample;
 - (iv) saliva;
 - (v) a skin impression which means any record, other than a fingerprint, which is a record, in any form and produced by any method, of the skin pattern and other physical characteristics or features of the whole, or any part of, a person's foot or of any other part of their body.

B. Action

(a) Intimate samples

6.2 Article 62 of PACE NI, provides that intimate samples may be taken under:

- (a) Article 62(1), from a person in police detention only:
 - (i) if a police officer of inspector rank or above has reasonable grounds to believe such an impression or sample will tend to confirm or disprove the suspect's involvement in a recordable offence, (see Note 4A), and gives authorisation for a sample to be taken; and
 - (ii) with the suspect's written consent.
- (b) Article 62(1A), from a person not in police detention but from whom two or more non-intimate samples have been taken in the course of an investigation of an offence and the samples, though suitable, have proved insufficient if:
 - (i) a police officer of inspector rank or above authorises it to be taken; and
 - (ii) the person concerned gives their written consent (see Notes 6B and 6C).

6.3 Before a suspect is asked to provide an intimate sample, they must be warned that if they refuse without good cause, their refusal may harm their case if it comes to trial. It is for a court to decide if good cause exists and this warning shall not be given in such a way as to exert pressure on a person to provide an intimate sample where a constable believes consent to take the sample may not be given (see Note 6D). If the suspect is in police detention and not legally represented, they must also be

reminded of their entitlement to legal advice, see Code C, paragraph 6.4, and the reminder noted in the custody record. If paragraph 6.2(b) applies and the person is attending a station voluntarily, their entitlement to legal advice as in Code C, paragraph 3.16 shall be explained to them.

6.4 Dental impressions may only be taken by a registered dentist. Other intimate samples, except for samples of urine, may only be taken by a registered medical practitioner or registered health care professional.

(b) Non-intimate samples

6.5 A non-intimate sample may be taken from a detainee only with their written consent or if paragraph 6.6 applies.

6.6 (a) Under Article 63 of PACE NI, a non-intimate sample may not be taken from a person without consent and the consent must be in writing.

(aa) a non-intimate sample may be taken from a person without the appropriate consent in the following circumstances:

(i) under Article 63(2A) where the person is in police detention as a consequence of their arrest for a recordable offence and they have not had a non-intimate sample of the same type and from the same part of the body taken in the course of the investigation of the offence by the police or they have had such a sample taken but it proved insufficient;

(ii) under Article 63(3)(a) where they are being held in custody by the police on the authority of a court and an officer of at least the rank of inspector authorises it to be taken.

(b) under Article 63(3A), from a person charged with a recordable offence or informed they will be reported for such an offence: and

(i) that person has not had a non-intimate sample taken from them in the course of the investigation; or

(ii) if they have had a sample taken, it proved unsuitable or insufficient for the same form of analysis (see Note 6B); or

(c) under Article 63(3B), from a person convicted of a recordable offence after the date on which that provision came into effect. Article 63A of PACE NI, describes the circumstances in which a police officer may require a person convicted of a recordable offence to attend a police station for a non-intimate sample to be taken.

6.7 Reasonable force may be used, if necessary, to take a non-intimate sample from a person without their consent under the powers mentioned in paragraph 6.6.

6.8 Before any intimate sample is taken with consent or non-intimate sample is taken with, or without, consent, the person must be informed:

(a) of the reason for taking the sample;

(b) of the grounds on which the relevant authority has been given;



- (c) that the sample or information derived from the sample may be retained and subject of a speculative search, (see Note 6E), unless their destruction is required as in Annex F Part A.

(c) Removal of clothing

- 6.9 When clothing needs to be removed in circumstances likely to cause embarrassment to the person, no person of the opposite sex who is not a registered medical practitioner or registered health care professional shall be present, (unless in the case of a juvenile, or vulnerable person, that person specifically requests the presence of an appropriate adult of the opposite sex who is readily available) nor shall anyone whose presence is unnecessary. However, in the case of a juvenile, this is subject to the overriding proviso that such a removal of clothing may take place in the absence of the appropriate adult only if the juvenile signifies, in the presence of the appropriate adult that they prefer this to be done in their absence and the appropriate adult agrees.

C. Documentation

- 6.10 A record of the reasons for taking a sample or impression and, if applicable, of its destruction must be made as soon as practicable. If force is used, a record shall be made of the circumstances and those present. If written consent is given to the taking of a sample or impression, the fact must be recorded in writing.

A record must be made as soon as practicable after the sample is taken of:

- the matters in paragraph 6.8(a) and the fact that the person has been informed of those matters; and the fact that the person has been informed of the matters in paragraph 6.8(b).

- 6.10A If force is used, a record shall be made of the circumstances and those present.

- 6.11 A record must be made of a warning given as required by paragraph 6.3.

Notes for Guidance

- 6A *When hair samples are taken for the purpose of DNA analysis (rather than for other purposes such as making a visual match), the suspect should be permitted a reasonable choice as to what part of the body the hairs are taken from. When hairs are plucked, they should be plucked individually, unless the suspect prefers otherwise and no more should be plucked than the person taking them reasonably considers necessary for a sufficient sample.*
- 6B (a) *An insufficient sample is one which is not sufficient either in quantity or quality to provide information for a particular form of analysis, such as DNA analysis. A sample may also be insufficient if enough information cannot be obtained from it by analysis because of loss, destruction, damage or contamination of the sample or as a result of an earlier, unsuccessful attempt at analysis.*
- (b) *An unsuitable sample is one which, by its nature, is not suitable for a particular form of analysis.*
- 6C *Nothing in paragraph 6.2 prevents intimate samples being taken for elimination purposes with the consent of the person concerned but the provisions of paragraph 2.12 relating to the role of the appropriate adult, should be applied. Paragraph 6.2(b)*

does not, however, apply where the non-intimate samples were previously taken under the TACT, Schedule 8, paragraph 10, or under the NSA, Schedule 6, paragraph 10.

6D *In warning a person who is asked to provide an intimate sample as in paragraph 6.3, the following form of words may be used:*

“You do not have to provide this sample/allow this swab or impression to be taken, but I must warn you that if you refuse without good cause, your refusal may harm your case if it comes to trial.”

6E *Fingerprints or a DNA sample and the information derived from it taken from a person arrested on suspicion of being involved in a recordable offence, or charged with such an offence, or informed they will be reported for such an offence, may be subject of a speculative search. This means they may be checked against other fingerprints and DNA records held by, or on behalf of, the police and other law enforcement authorities in or outside the UK or held in connection with, or as a result of, an investigation of an offence inside or outside the UK.*

See Annex F regarding the retention of fingerprints and samples taken with consent for elimination purposes.

Annex A: Video identification

A. General

1. The arrangements for obtaining and ensuring the availability of a suitable set of images to be used in a video identification must be the responsibility of an identification officer (see paragraph 3.11 of this Code), who has no direct involvement with the case.
2. The set of images must include the suspect and at least eight other people who, so far as possible and subject to paragraph 7, resemble the suspect in age, general appearance and position in life. Only one suspect shall appear in any set unless there are two suspects of roughly similar appearance, in which case they may be shown together with at least twelve other people.
- 2A. If the suspect has an unusual physical feature, e.g. a facial scar, tattoo or distinctive hairstyle or hair colour which does not appear on the images of the other people that are available to be used, steps may be taken to:
 - (a) conceal the location of the feature on the images of the suspect and the other people; or
 - (b) replicate that feature on the images of the other people.

For these purposes, the feature may be concealed or replicated electronically or by any other method which it is practicable to use to ensure that the images of the suspect and other people resemble each other. The identification officer has discretion to choose whether to conceal or replicate the feature and the method to be used.
- 2B. If the identification officer decides that a feature should be concealed or replicated, the reason for the decision and whether the feature was concealed or replicated in the images shown to any eye-witness shall be recorded.
- 2C. If the eye-witness requests to view an image where an unusual physical feature has been concealed or replicated without the feature being concealed or replicated, the identification officer has discretion to allow the eye-witness to view such image(s) if they are available.
3. The images used to conduct a video identification shall, as far as possible, show the suspect and other people in the same positions or carrying out the same sequence of movements. They shall also show the suspect and other people under identical conditions unless the identification officer reasonably believes:
 - (a) because of the suspect's failure or refusal to co-operate or other reasons, it is not practicable for the conditions to be identical; and
 - (b) any difference in the conditions would not direct an eye-witness' attention to any individual image.
4. The reasons identical conditions are not practicable shall be recorded on forms provided for the purpose.
5. Provision must be made for each person shown to be identified by number.

6. If police officers are shown, any numerals or other identifying badges must be concealed. If a prison inmate is shown, either as a suspect or not, then either all, or none of, the people shown should be in prison clothing.
7. The suspect or their solicitor, friend, or appropriate adult must be given a reasonable opportunity to see the complete set of images before it is shown to any eye-witness. If the suspect has a reasonable objection to the set of images or any of the participants, the suspect shall be asked to state the reasons for the objection. Steps shall, if practicable, be taken to remove the grounds for objection. If this is not practicable, the suspect and/or their representative shall be told why their objections cannot be met and the objection, the reason given for it and why it cannot be met shall be recorded on forms provided for the purpose. The requirement in paragraph 2 that the images of the other people “resemble” the suspect does not require the images to be identical or extremely similar (see Note A1).
8. Before the images are shown in accordance with paragraph 7, the suspect or their solicitor shall be provided with details of the first description of the suspect by any eye-witnesses who are to attend the video identification. When a broadcast or publication is made, as in paragraph 3. 39(a), the suspect or their solicitor must also be allowed to view any material released to the media by the police for the purpose of recognising or tracing the suspect, provided it is practicable and would not unreasonably delay the investigation.
9. No unauthorised people may be present when the video identification is conducted. The suspect’s solicitor, if practicable, shall be given reasonable notification of the time and place the video identification is to be conducted. The suspect’s solicitor may only be present at the video identification on request and with the prior agreement of the identification officer, if the officer is satisfied that the solicitor’s presence will not deter or distract any eye-witness from viewing the images and making an identification. If the identification officer is not satisfied and does not agree to the request, the reason must be recorded. The solicitor must be informed of the decision and the reason for it and that they may then make representations about why they should be allowed to be present. The representations may be made orally or in writing, in person or remotely by electronic communication and must be recorded. These representations must be considered by an officer of at least the rank of inspector who is not involved with the investigation and responsibility for this may not be delegated under paragraph 3.11. If, after considering the representations, the officer is satisfied that the solicitor’s presence will deter or distract the eye-witness, the officer shall inform the solicitor of the decision and reason for it and ensure that any response by the solicitor is also recorded. If allowed to be present, the solicitor is not entitled to communicate in any way with an eye-witness during the procedure but this does not prevent the solicitor from communicating with the identification officer. The suspect may not be present when the images are shown to any eye-witness and is not entitled to be informed of the time and place the video identification procedure is to be conducted. The video identification procedure itself shall be recorded on video with sound. The recording must show all persons present within the sight or hearing of the eye-witness whilst the images are being viewed and must include what the eye-witness says and what is said to them by the identification officer and by any other person present at the video identification procedure. A supervised viewing of the recording of the video identification procedure by the



suspect and/or their solicitor may be arranged on request, at the discretion of the investigating officer. Where the recording of the video identification procedure is to be shown to the suspect and/or their solicitor, the investigating officer may arrange for anything in the recording that might allow the eye-witness to be identified to be concealed if the investigating officer considers that this is justified (see Note A2). In accordance with paragraph 2.18, the investigating officer may also arrange for anything in that recording that might allow any police officers or police staff to be identified to be concealed.

B. Conducting the video identification

10. The identification officer is responsible for making the appropriate arrangements to make sure, before they see the set of images, eye-witnesses are not able to communicate with each other about the case, see any of the images which are to be shown, see, or be reminded of, any photograph or description of the suspect or be given any other indication as to the suspect's identity, or overhear an eye-witness who has already seen the material. There must be no discussion with the eye-witness about the composition of the set of images and they must not be told whether a previous eye-witness has made any identification.
11. Only one eye-witness may see the set of images at a time. Immediately before the images are shown, the eye-witness shall be told that the person they saw on a specified earlier occasion may, or may not, appear in the images they are shown and that if they cannot make an identification, they should say so. The eye-witness shall be advised that at any point, they may ask to see a particular part of the set of images or to have a particular image frozen for them to study. Furthermore, it should be pointed out to the eye-witness that there is no limit on how many times they can view the whole set of images or any part of them. However, they should be asked not to make any decision as to whether the person they saw is on the set of images until they have seen the whole set at least twice.
12. Once the eye-witness has seen the whole set of images at least twice and has indicated that they do not want to view the images, or any part of them, again, the eye-witness shall be asked to say whether the individual they saw in person on a specified earlier occasion has been shown and, if so, to identify them by number of the image. The eye-witness will then be shown that image to confirm the identification, see paragraph 17.
13. Care must be taken not to direct the eye-witness' attention to any one individual image or give any indication of the suspect's identity. Where an eye-witness has previously made an identification by photographs, or a computerised or artist's composite or similar likeness, the eye-witness must not be reminded of such a photograph or composite likeness once a suspect is available for identification by other means in accordance with this Code. Nor must the eye-witness be reminded of any description of the suspect.
- 13A. If after the video identification procedure has ended, the eye-witness informs any police officer or police staff involved in the post-viewing arrangements that they wish to change their decision about their identification, or they have not made an identification when in fact they could have made one, an accurate record of the words used by the eye-witness and of the circumstances immediately after the

procedure ended, shall be made. If the eye-witness has not had an opportunity to communicate with other people about the procedure, the identification officer has the discretion to allow the eye-witness a second opportunity to make identification by repeating the video identification procedure using the same images but in different positions.

14. After the procedure, action required in accordance with paragraph 3.41 applies.

C. Image security and destruction

15. Arrangements shall be made for all relevant material containing sets of images used for specific identification procedures to be kept securely and their movements accounted for. In particular, no-one involved in the investigation shall be permitted to view the material prior to it being shown to any witness.
16. As appropriate, paragraph 3.31 or 3.32 applies to the destruction or retention of relevant sets of images.

D. Documentation

17. A record must be made of all those participating in, or seeing, the set of images whose names are known to the police.
18. A record of the conduct of the video identification must be made on forms provided for the purpose. This shall include anything said by the witness about any identifications or the conduct of the procedure and any reasons it was not practicable to comply with any of the provisions of this Code governing the conduct of video identifications. This record is in addition to any statement that is taken from any eye-witness after the procedure.

Notes for Guidance

- A1. *The purpose of the video identification is to test the eye-witness ability to distinguish the suspect from others and it would not be a fair test if all the images shown were identical or extremely similar to each other. The identification officer is responsible for ensuring that the images shown are suitable for the purpose of this test.*
- A2. *The purpose of allowing the identity of the eye-witness to be concealed is to protect them in cases when there is information that suspects or their associates, may threaten the witness or cause them harm or when the investigating officer considers that special measures may be required to protect their identity during the criminal process.*

Annex B: Identification parades

A. General

1. A suspect must be given a reasonable opportunity to have a solicitor or friend present, and the suspect shall be asked to indicate on a second copy of the notice whether or not they wish to do so.
2. An identification parade may take place either in a normal room or one equipped with a screen permitting witnesses to see members of the identification parade without being seen. The procedures for the composition and conduct of the identification parade are the same in both cases, subject to paragraph 8 (except that an identification parade involving a screen may take place only when the suspect's solicitor, friend or appropriate adult is present or the identification parade is recorded on video).
3. Before the identification parade takes place, the suspect or their solicitor shall be provided with details of the first description of the suspect by any witnesses who are attending the identification parade. When a broadcast or publication is made as in paragraph 3.39(a), the suspect or their solicitor should also be allowed to view any material released to the media by the police for the purpose of recognising or tracing the suspect, provided it is practicable to do so and would not unreasonably delay the investigation.

B. Identification parades involving prison inmates

4. If a prison inmate is required for identification, and there are no security problems about the person leaving the establishment, they may be asked to participate in an identification parade or video identification.
5. An identification parade may be held in a Prison Service establishment but shall be conducted, as far as practicable under normal identification parade rules. Members of the public shall make up the identification parade unless there are serious security, or control objections to their admission to the establishment. In such cases, or if a group or video identification is arranged within the establishment, other inmates may participate. If an inmate is the suspect, they are not required to wear prison clothing for the identification parade unless the other people taking part are other inmates in similar clothing, or are members of the public who are prepared to wear prison clothing for the occasion.

C. Conduct of the identification parade

6. Immediately before the identification parade, the suspect must be reminded of the procedures governing its conduct and cautioned in the terms of Code C, paragraph 10.5 or 10.6 as appropriate.
7. All unauthorised people must be excluded from the place where the identification parade is held.
8. Once the identification parade has been formed, everything afterwards, in respect of it, shall take place in the presence and hearing of the suspect and any interpreter, solicitor, friend or appropriate adult who is present (unless the identification parade

involves a screen, in which case everything said to, or by, any witness at the place where the identification parade is held, must be said in the hearing and presence of the suspect's solicitor, friend or appropriate adult or be recorded on video).

9. The identification parade shall consist of at least eight people (in addition to the suspect) who, so far as possible, resemble the suspect in age, height, general appearance and position in life. Only one suspect shall be included in an identification parade unless there are two suspects of roughly similar appearance, in which case they may be paraded together with at least twelve other people. In no circumstances shall more than two suspects be included in one identification parade and where there are separate identification parades, they shall be made up of different people.
10. If the suspect has an unusual physical feature, e.g., a facial scar, tattoo or distinctive hairstyle or hair colour which cannot be replicated on other members of the identification parade, steps may be taken to conceal the location of that feature on the suspect and the other members of the identification parade if the suspect and their solicitor, or appropriate adult, agree. For example, by use of a plaster or a hat, so that all members of the identification parade resemble each other in general appearance.
11. When all members of a similar group are possible suspects, separate identification parades shall be held for each unless there are two suspects of similar appearance when they may appear on the same identification parade with at least twelve other members of the group who are not suspects. When police officers in uniform form an identification parade any numerals or other identifying badges shall be concealed.
12. When the suspect is brought to the place where the identification parade is to be held, they shall be asked if they have any objection to the arrangements for the identification parade or to any of the other participants in it and to state the reasons for the objection. The suspect may obtain advice from their solicitor or friend, if present, before the identification parade proceeds. If the suspect has a reasonable objection to the arrangements or any of the participants, steps shall, if practicable, be taken to remove the grounds for objection. When it is not practicable to do so, the suspect shall be told why their objections cannot be met and the objection, the reason given for it and why it cannot be met, shall be recorded on forms provided for the purpose.
13. The suspect may select their own position in the line, but may not otherwise interfere with the order of the people forming the line. When there is more than one witness, the suspect must be told, after each witness has left the room, that if they wish to, they can change position in the line. Each position in the line must be clearly numbered, whether by means of a number laid on the floor in front of each identification parade member or by other means.
14. The identification officer is responsible for ensuring that, before they attend the parade, witnesses are not able to:
 - (i) communicate with each other about the case or overhear a witness who has already seen the identification parade;
 - (ii) see any member of the identification parade;



- (iii) see, or be reminded of, any photograph or description of the suspect or be given any other indication as to the suspect's identity; or
 - (iv) see the suspect before or after the identification parade.
- 15. The person conducting a witness to an identification parade must not discuss with them the composition of the identification parade and, in particular, must not disclose whether a previous witness has made any identification.
- 16. Witnesses shall be brought in one at a time. Immediately before the witness inspects the identification parade, they shall be told the person they saw on a specified earlier occasion may, or may not, be present and if they cannot make a positive identification, they should say so. The witness must also be told they should not make any decision about whether the person they saw is on the identification parade until they have looked at each member at least twice.
- 17. When the officer or police staff, see paragraph 3.11, conducting the identification procedure is satisfied the witness has properly looked at each member of the identification parade, they shall ask the witness whether the person they saw on a specified earlier occasion is on the identification parade and, if so, to indicate the number of the person concerned, see paragraph 28.
- 18. If the witness wishes to hear any identification parade member speak, adopt any specified posture or move, they shall first be asked whether they can identify any person(s) on the identification parade on the basis of appearance only. When the request is to hear members of the identification parade speak, the witness shall be reminded that the participants in the identification parade have been chosen on the basis of physical appearance only. Members of the identification parade may then be asked to comply with the witness' request to hear them speak, see them move or adopt any specified posture.
- 19. If the witness requests that the person they have indicated remove anything used for the purposes of paragraph 10 to conceal the location of an unusual physical feature, that person may be asked to remove it.
- 20. If the witness makes an identification after the identification parade has ended, the suspect and, if present, their solicitor, interpreter or friend shall be informed. When this occurs, consideration should be given to allowing the witness a second opportunity to identify the suspect.
- 21. After the procedure, action required in accordance with paragraph 3.41 applies.
- 22. When the last witness has left, the suspect shall be asked whether they wish to make any comments on the conduct of the identification parade.

D. Documentation

- 23. A video recording must normally be taken of the identification parade. If that is impracticable, a colour photograph must be taken. A copy of the video recording or photograph shall be supplied, on request, to the suspect or their solicitor within a reasonable time.
- 24. As appropriate, paragraph 3.31 or 3.32, should apply to any photograph or video taken as in paragraph 23.

25. If any person is asked to leave an identification parade because they are interfering with its conduct, the circumstances shall be recorded.
26. A record must be made of all those present at an identification parade whose names are known to the police.
27. If prison inmates make up an identification parade, the circumstances must be recorded.
28. A record of the conduct of any identification parade must be made on forms provided for the purpose. This shall include anything said by the witness or the suspect about any identifications or the conduct of the procedure, and any reasons it was not practicable to comply with any of this Code's provisions.

Annex C: Group identification

A. General

1. The purpose of this Annex is to make sure, as far as possible, group identifications follow the principles and procedures for identification parades so the conditions are fair to the suspect in the way they test the witness' ability to make an identification.
2. Group identifications may take place either with the suspect's consent and cooperation or covertly without their consent.
3. The location of the group identification is a matter for the identification officer, although the officer may take into account any representations made by the suspect, appropriate adult, their solicitor or friend.
4. The place where the group identification is held should be one where other people are either passing by or waiting around informally, in groups such that the suspect is able to join them and be capable of being seen by the witness at the same time as others in the group. For example, people leaving an escalator, pedestrians walking through a shopping centre, passengers on railway and bus stations, waiting in queues or groups or where people are standing or sitting in groups in other public places.
5. If the group identification is to be held covertly, the choice of locations will be limited by the places where the suspect can be found and the number of other people present at that time. In these cases, suitable locations might be along regular routes travelled by the suspect, including buses or trains or public places frequented by the suspect.
6. Although the number, age, sex, race and general description and style of clothing of other people present at the location cannot be controlled by the identification officer, in selecting the location the officer must consider the general appearance and numbers of people likely to be present. In particular, the officer must reasonably expect that over the period the witness observes the group, they will be able to see, from time to time, a number of others whose appearance is broadly similar to that of the suspect.
7. A group identification need not be held if the identification officer believes, because of the unusual appearance of the suspect, none of the locations it would be practicable to use satisfy the requirements of paragraph 6 necessary to make the identification fair.
8. Immediately after a group identification procedure has taken place (with or without the suspect's consent), a colour photograph or video should be taken of the general scene, if practicable, to give a general impression of the scene and the number of people present. Alternatively, if it is practicable, the group identification may be video recorded.
9. If it is not practicable to take the photograph or video in accordance with paragraph 8, a photograph or film of the scene should be taken later at a time determined by the identification officer if the officer considers it practicable to do so.

10. An identification carried out in accordance with this Code remains a group identification even though, at the time of being seen by the witness, the suspect was on their own rather than in a group.
11. Before the group identification takes place, the suspect or their solicitor shall be provided with details of the first description of the suspect by any witnesses who are to attend the identification. When a broadcast or publication is made, as in paragraph 3.39(a), the suspect or their solicitor should also be allowed to view any material released by the police to the media for the purposes of recognising or tracing the suspect, provided that it is practicable and would not unreasonably delay the investigation.
12. After the procedure, action required in accordance with paragraph 3.41 applies.

B. Identification with the consent of the suspect

13. A suspect must be given a reasonable opportunity to have a solicitor or friend present. They shall be asked to indicate on a second copy of the notice whether or not they wish to do so.
14. The witness, the person carrying out the procedure and the suspect's solicitor, appropriate adult, friend or any interpreter for the witness, may be concealed from the sight of the individuals in the group they are observing, if the person carrying out the procedure considers this assists the conduct of the identification. If the witness requests (and it is practicable to do so) they should also be kept apart from the suspect's solicitor, friend, relative, interpreter or appropriate adult during the procedure.
15. The person conducting a witness to a group identification must not discuss with them the forthcoming group identification and, in particular, must not disclose whether a previous witness has made any identification.
16. Anything said to, or by, the witness during the procedure about the identification should be said in the presence and hearing of those present at the procedure.
17. The identification officer is responsible for ensuring that before they attend the group identification witnesses are not able to:
 - (i) communicate with each other about the case or overhear a witness who has already been given an opportunity to see the suspect in the group;
 - (ii) see the suspect; or
 - (iii) see, or be reminded of, any photographs or description of the suspect or be given any other indication of the suspect's identity.
18. Witnesses shall be brought one at a time to the place where they are to observe the group. Immediately before the witness is asked to look at the group, the person conducting the procedure shall tell them that the person they saw may, or may not, be in the group and that if they cannot make a positive identification, they should say so. The witness shall be asked to observe the group in which the suspect is to appear. The way in which the witness should do this will depend on whether the group is moving or stationary.

Moving group

19. When the group in which the suspect is to appear is moving, e.g. leaving an escalator, the provisions of paragraphs 20 to 24 should be followed.
20. If two or more suspects consent to a group identification, each should be the subject of separate identification procedures. These may be conducted consecutively on the same occasion.
21. The person conducting the procedure shall tell the witness to observe the group and ask them to point out any person they think they saw on the specified earlier occasion.
22. Once the witness has been informed as in paragraph 21 the suspect should be allowed to take whatever position in the group they wish.
23. When the witness points out a person as in paragraph 21 they shall, if practicable, be asked to take a closer look at the person to confirm the identification. If this is not practicable, or they cannot confirm the identification, they shall be asked how sure they are that the person they have indicated is the relevant person.
24. The witness should continue to observe the group for the period which the person conducting the procedure reasonably believes is necessary in the circumstances for them to be able to make comparisons between the suspect and other individuals of broadly similar appearance to the suspect as in paragraph 6.

Stationary group

25. When the group in which the suspect is to appear is stationary, e.g. people waiting in a queue, the provisions of paragraphs 26 to 29 should be followed.
26. If two or more suspects consent to a group identification, each should be subject to separate identification procedures unless they are of broadly similar appearance when they may appear in the same group. When separate group identifications are held, the groups must be made up of different people.
27. The suspect may take whatever position in the group they wish. If there is more than one witness, the suspect must be told, out of the sight and hearing of any witness, that they can, if they wish, change their position in the group.
28. The witness shall be asked to pass along, or amongst, the group and to look at each person in the group at least twice, taking as much care and time as possible according to the circumstances, before making an identification. Once the witness has done this, they shall be asked whether the person they saw on the specified earlier occasion is in the group and to indicate any such person by whatever means the person conducting the procedure considers appropriate in the circumstances. If this is not practicable, the witness shall be asked to point out any person they think they saw on the earlier occasion.
29. When the witness makes an indication as in paragraph 28, arrangements shall be made, if practicable, for the witness to take a closer look at the person to confirm the identification. If this is not practicable, or the witness is unable to confirm the identification, they shall be asked how sure they are that the person they have indicated is the relevant person.

All cases

30. If the suspect unreasonably delays joining the group, or having joined the group, deliberately conceals themselves from the sight of the witness, this may be treated as a refusal to co-operate in a group identification.
31. If the witness identifies a person other than the suspect, that person should be informed what has happened and asked if they are prepared to give their name and address. There is no obligation upon any member of the public to give these details. There shall be no duty to record any details of any other member of the public present in the group or at the place where the procedure is conducted.
32. When the group identification has been completed, the suspect shall be asked whether they wish to make any comments on the conduct of the procedure.
33. If the suspect has not been previously informed, they shall be told of any identifications made by the witnesses.

C. Identification without the suspect's consent

34. Group identifications held covertly without the suspect's consent should, as far as practicable, follow the rules for conduct of group identification by consent.
35. A suspect has no right to have a solicitor, appropriate adult or friend present as the identification will take place without the knowledge of the suspect.
36. Any number of suspects may be identified at the same time.

D. Identifications in police stations

37. Group identifications should only take place in police stations for reasons of safety, security or because it is not practicable to hold them elsewhere.
38. The group identification may take place either in a room equipped with a screen permitting witnesses to see members of the group without being seen, or anywhere else in the police station that the identification officer considers appropriate.
39. Any of the additional safeguards applicable to identification parades should be followed if the identification officer considers it is practicable to do so in the circumstances.

E. Identifications involving prison inmates

40. A group identification involving a prison inmate may only be arranged in the prison or at a police station.
41. When a group identification takes place involving a prison inmate, whether in a prison or in a police station, the arrangements should follow those in paragraphs 37 to 39. If a group identification takes place within a prison, other inmates may participate. If an inmate is the suspect, they do not have to wear prison clothing for the group identification unless the other participants are wearing the same clothing.

F. Documentation

42. When a photograph or video is taken as in paragraph 8 or 9, a copy of the photograph or video shall be supplied on request to the suspect or their solicitor within a reasonable time.

43. Paragraph 3.31 or 3.32, as appropriate, shall apply when the photograph or film taken in accordance with paragraph 8 or 9 includes the suspect.
44. A record of the conduct of any group identification must be made on forms provided for the purpose. This shall include anything said by the witness or suspect about any identifications or the conduct of the procedure and any reasons why it was not practicable to comply with any of the provisions of this Code governing the conduct of group identifications.

Annex D: Confrontation by an eye-witness

1. Before the confrontation takes place, the eye-witness must be told that the person they saw may, or may not, be the person they are to confront and that if they are not that person, then the witness should say so.
2. Before the confrontation takes place the suspect or their solicitor shall be provided with details of the first description of the suspect given by any eye-witness who is to attend. When a broadcast or publication is made, as in paragraph 3.39(a), the suspect or their solicitor should also be allowed to view any material released to the media for the purposes of recognising or tracing the suspect, provided it is practicable to do so and would not unreasonably delay the investigation.
3. Force may not be used to make the suspect's face visible to the eye-witness.
4. Confrontation must take place in the presence of the suspect's solicitor, interpreter, appropriate adult or friend unless this would cause unreasonable delay.
5. The suspect shall be confronted independently by each eye-witness, who shall be asked "Is this the person?" If the eye-witness identifies the person but is unable to confirm the identification, they shall be asked how sure they are that the person is the one they saw on the earlier occasion.
6. The confrontation should normally take place in the police station, either in a normal room or one equipped with a screen permitting an eye-witness to see the suspect without being seen. In both cases, the procedures are the same except that a room equipped with a screen may be used only when the suspect's solicitor, friend or appropriate adult is present or the confrontation is recorded on video.
7. After the procedure, action required in accordance with paragraph 3.41 applies.

Annex E: Showing photographs to eye-witnesses

A. Action

1. An officer of sergeant rank or above shall be responsible for supervising and directing the showing of photographs. The actual showing may be done by another officer or police staff, see paragraph 3.11.
2. The supervising officer must confirm the first description of the suspect given by the eye-witness has been recorded before they are shown the photographs. If the supervising officer is unable to confirm the description has been recorded they shall postpone showing the photographs.
3. Only one eye-witness shall be shown photographs at any one time. Each witness shall be given as much privacy as practicable and shall not be allowed to communicate with or overhear any other eye-witness in the case.
4. The eye-witness shall be shown not less than twelve photographs at a time, which shall, as far as possible, all be of a similar type.
5. When the eye-witness is shown the photographs, they shall be told the photograph of the person they saw may, or may not, be amongst them and if they cannot make a positive identification, they should say so. The eye-witness shall also be told they should not make a decision until they have viewed at least twelve photographs. The eye-witness shall not be prompted or guided in any way but shall be left to make any selection without help.
6. If an eye-witness makes a positive identification from photographs, unless the person identified is otherwise eliminated from enquiries or is not available, other eye-witnesses shall not be shown photographs. But both they, and the eye-witness who has made the identification, shall be asked to attend a video identification, an identification parade or group identification unless there is no dispute about the suspect's identification.
7. If the eye-witness makes a selection but is unable to confirm the identification, the person showing the photographs shall ask them how sure they are that the photograph they have indicated is the person they saw on the specified earlier occasion.
8. When the use of a computerised or artist's composite or similar likeness has led to there being a known suspect who can be asked to participate in a video identification, appear on an identification parade or participate in a group identification that likeness shall not be shown to other potential witnesses.
9. When an eye-witness attending a video identification, an identification parade or group identification has previously been shown photographs or computerised or artist's composite or similar likeness (and it is the responsibility of the officer in charge of the investigation to make the identification officer aware that this is the case), the suspect and their solicitor must be informed of this fact before the identification procedure takes place.

10. None of the photographs shown shall be destroyed, whether or not an identification is made, since they may be required for production in court. The photographs shall be numbered and a separate photograph taken of the frame or part of the album from which the eye-witness made an identification as an aid to reconstituting it.

B. Documentation

11. Whether or not an identification is made, a record shall be kept of the showing of photographs on forms provided for the purpose. This shall include anything said by the eye-witness about any identification or the conduct of the procedure, any reasons it was not practicable to comply with any of the provisions of this Code governing the showing of photographs and the name and rank of the supervising officer.
12. The supervising officer shall inspect and sign the record as soon as practicable.

Annex F: Fingerprints, footwear impressions and samples – destruction and speculative searches

A. Fingerprints, footwear impressions and samples taken in connection with a criminal investigation

1. When fingerprints, footwear impressions or DNA samples are taken from a person in connection with an investigation and the person is not suspected of having committed the offence (see Note F1), they must be destroyed as soon as they have fulfilled the purpose for which they were taken unless:
 - (a) they were taken for the purposes of an investigation of an offence for which a person has been convicted; and
 - (b) fingerprints, footwear impressions or samples were also taken from the convicted person for the purposes of that investigation.

However, subject to paragraph 2, the fingerprints, footwear impressions and samples, and the information derived from samples, may not be used in the investigation of any offence or in evidence against the person who is, or would be, entitled to the destruction of the fingerprints, footwear impressions and samples (see Note F2).

2. The requirement to destroy fingerprints, footwear impressions and DNA samples, and information derived from samples, and restrictions on their retention and use in paragraph 1 do not apply if the person gives their written consent for their fingerprints, footwear impressions or sample to be retained and used after they have fulfilled the purpose for which they were taken (see Note F1).
3. When a person's fingerprints, footwear impressions or sample are to be destroyed:
 - (a) any copies of the fingerprints and footwear impressions must also be destroyed;
 - (b) the person may witness the destruction of their fingerprints, footwear impressions or copies if they ask to do so within five days of being informed destruction is required;
 - (c) access to relevant computer fingerprint data shall be made impossible as soon as it is practicable to do so and the person shall be given a certificate to this effect within three months of asking; and
 - (d) neither the fingerprints, footwear impressions or the sample, or any information derived from the sample, may be used in the investigation of any offence or in evidence against the person who is, or would be, entitled to its destruction.
4. Fingerprints, footwear impressions or samples, and the information derived from samples, taken in connection with the investigation of an offence which are not required to be destroyed, may be retained after they have fulfilled the purposes for which they were taken but may be used only for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution in, as well as outside, the UK and may also be subject to a speculative search. This includes checking them against other fingerprints, footwear impressions and DNA records held by, or on behalf of, the police and other law enforcement authorities in, as well as outside, the UK.

B. Not used

Notes for Guidance

F1 Fingerprints, footwear impressions and samples given voluntarily for the purposes of elimination play an important part in many police investigations. It is, therefore, important to make sure innocent volunteers are not deterred from participating and their consent to their fingerprints, footwear impressions and DNA being used for the purposes of a specific investigation is fully informed and voluntary. If the police or volunteer seek to have their fingerprints, footwear impressions or samples retained for use after the specific investigation ends, it is important the volunteer's consent to this is also fully informed and voluntary.

Examples of consent for:

- *DNA/fingerprints/footwear impressions – to be used only for the purposes of a specific investigation;*
- *DNA/fingerprints/footwear impressions – to be used in the specific investigation and retained by the police for future use.*

To minimise the risk of confusion, each consent should be physically separate and the volunteer should be asked to sign each consent.

(a) DNA:

- (i) DNA sample taken for the purposes of elimination or as part of an intelligence-led screening and to be used only for the purposes of that investigation and destroyed afterwards:*

“I consent to my DNA/mouth swab being taken for forensic analysis. I understand that the sample will be destroyed at the end of the case and that my profile will only be compared to the crime stain profile from this enquiry. I have been advised that the person taking the sample may be required to give evidence and/or provide a written statement to the police in relation to the taking of it”.

- (ii) DNA sample to be retained in the National DNA database and used in the future:*

“I consent to my DNA sample and information derived from it being retained and used only for purposes related to the prevention and detection of a crime, the investigation of an offence or the conduct of a prosecution either nationally or internationally”.

“I understand that this sample may be checked against other DNA records held by, or on behalf of, relevant law enforcement authorities, either nationally or internationally”.

“I understand that once I have given my consent for the sample to be retained and used I cannot withdraw this consent”.

(b) Fingerprints:

- (i) *Fingerprints taken for the purposes of elimination or as part of an intelligence-led screening and to be used only for the purposes of that investigation and destroyed afterwards:*

“I consent to my fingerprints being taken for elimination purposes. I understand that the fingerprints will be destroyed at the end of the case and that my fingerprints will only be compared to the fingerprints from this enquiry. I have been advised that the person taking the fingerprints may be required to give evidence and/or provide a written statement to the police in relation to the taking of it”.

- (ii) *Fingerprints to be retained for future use:*

“I consent to my fingerprints being retained and used only for purposes related to the prevention and detection of a crime, the investigation of an offence or the conduct of a prosecution either nationally or internationally”.

“I understand that my fingerprints may be checked against other records held by, or on behalf of, relevant law enforcement authorities, either nationally or internationally”.

“I understand that once I have given my consent for my fingerprints to be retained and used I cannot withdraw this consent”

- (c) *Footwear impressions:*

- (i) *Footwear impressions taken for the purposes of elimination or as part of an intelligence-led screening and to be used only for the purposes of that investigation and destroyed afterwards:*

“I consent to my footwear impressions being taken for elimination purposes. I understand that the footwear impressions will be destroyed at the end of the case and that my footwear impressions will only be compared to the footwear impressions from this enquiry. I have been advised that the person taking the footwear impressions may be required to give evidence and/or provide a written statement to the police in relation to the taking of it.”

- (ii) *Footwear impressions to be retained for future use:*

“I consent to my footwear impressions being retained and used only for purposes related to the prevention and detection of a crime, the investigation of an offence or the conduct of a prosecution, either nationally or internationally”.

“I understand that my footwear impressions may be checked against other records held by, or on behalf of, relevant law enforcement authorities, either nationally or internationally.”

“I understand that once I have given my consent for my footwear impressions to be retained and used I cannot withdraw this consent.”

F2 *The provisions for the retention of fingerprints, footwear impressions and samples in paragraph 1 allow for all fingerprints, footwear impressions and samples in a case to be available for any subsequent miscarriage of justice investigation.*