The Experience of Witnesses at Identification Procedures

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Code D of PACE and the conduct of identification procedures is based on the concept of an impartial witness, who is clear that the perpetrator may not be present in the parade, who feels under no pressure to select someone and, if they do select someone, does so because they recognise that person as the perpetrator.

Using an online survey, we asked 43 witnesses who had attended a formal ID procedure about their experience.

The experience of the witnesses differed from expectations as follows:

26% ‘definitely’ expected to see the perpetrator in the procedure

26% did not remember the ‘may or may not present’ instruction given by the ID officer

36% expected the perpetrator to be there even after hearing the ‘may or may not be present’ instruction

A third felt under pressure to select someone from the procedure. Of these:

30% It felt like a test & I didn’t want to get the wrong answer
26% I didn’t want to let the police down
20% I didn’t want to let anyone affected by the crime down
17% The ID conductor made me feel that I should pick someone
7% Other officers in the case made me feel I should pick someone

27% indicated that they did not recognise anyone in the procedure as being the perpetrator, so instead picked the person who looked most like the perpetrator.

Conclusions

Even if ID procedures are conducted according to PACE codes, a significant number of witnesses may be acting in ways that run contrary to the guidelines. This is likely to have a very negative impact on the accuracy of the evidence obtained.

Further research is needed, but it is possible that a different approach is needed to communicating with witnesses at identification procedures that addresses the problems described above.

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