

# Victoria Police Manual – Procedures and Guidelines

## Identifying offenders

### Source Policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- VPMP Crime reporting and investigations
- [Evidence Act 2008](#)

### Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the **Professional and ethical standards** to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

### Procedures and Guidelines

## 1. Identifying a suspect when there is no specific person suspected of the crime

### 1.1 *Photo books*

- Witnesses should only be shown photo books for identification purposes if there is not a suspect available
- If there is more than one witness able to identify an offender, consider having only one witness view photographs. Other witnesses may be used later.
- The Criminal Identification Unit have photographs available for viewing and keep records of identifying characteristics such as tattoos, deformities, etc.

### 1.2 *Construction of likenesses*

The Criminal Identification Unit, Forensic Identification Services Branch, Forensic Services Division can compile computer-generated likenesses of offenders. Their facilities are generally only available for serious or persistent offenders, or where a witness had a good view of the suspect. Contact the Unit for advice.

### **1.3 Description of suspects**

Descriptions should include as much information as possible about the subject rather than rely solely on ethnic appearance.

### **1.4 Ethnic descriptions**

- Police should describe individuals by ethnic or physical appearance rather than by a person's country or nation of origin.
- The following categories may be used for internal communication, however the list is not exhaustive:
  - Aboriginal/Torres Strait Islander appearance
  - Asian appearance
  - Black African appearance (including appearance of Black Americans and Afro-Caribbeans)
  - Caucasian appearance
  - Eastern European appearance
  - Eurasian appearance
  - Indian appearance
  - Latin American appearance
  - Maori appearance
  - Middle Eastern appearance
  - Northern European appearance
  - Pacific Islander appearance
  - Scandinavian appearance
  - Southern European appearance
  - Other appearance (specify) – to be used when the ethnic appearance of an individual or group being described physically is otherwise unclassifiable or to describe a person of mixed ethnicity.
- There are specific description categories for media releases. Refer to **VPMG Release of information to the media**.
- The following descriptions are inappropriate:
  - "European" – as a description should not be used, use descriptions as given above
  - "Arab" – as a descriptor should not be used. Use "Middle Eastern appearance"
  - "Australian" – use the term "Aboriginal/Torres Strait Islander" to describe indigenous Australians, or ethnic appearance categories as appropriate
  - "Half-caste" – inappropriate term to describe a person of mixed ethnicity.
  - "Negro, Negress" – use "Black American"
  - "Mixed race" – "mixed ethnicity" is the appropriate term.

- A person's accent, if identified, should be used as a descriptor.
- Contact the Multicultural Advisory Unit, Community and Cultural Division, for further advice.

### **1.5 Release of descriptions of wanted persons**

Refer to **VPMP Information sharing** for advice when releasing descriptions and likenesses of suspects to the media.

### **1.6 Use of the Passenger Analysis Clearance and Evaluation (PACE) system**

Refer to **VPMG Tagging of records to locate offenders or suspects** for information on the use of the PACE system to identify wanted/suspected persons arriving in, or departing from Australia.

## **2. Verifying the identity of a suspect - Identification parades**

### **2.1 General conduct**

- The request for the suspect to participate in an identification parade is to be recorded.
- A Sub-officer or above should conduct an identification parade.
- Conduct an identification parade in a location that provides suitable viewing conditions and security.
- Generally, only one suspect should be placed in an identification parade. A minimum of eight other persons should be in the parade.
- Two suspects may be placed in the one parade if they are of similar appearance. A minimum of twelve other persons should participate in these parades.
- Participants are to be of the same general appearance as the suspect.
- Police are not to participate in the parade unless they are a suspect.
- Do not record the names and addresses of participants.

### **2.2 Responsibilities of investigating member**

When an identification parade is to be conducted, the investigating member is to prepare:

- A summary about the offence and who will view the parade. Prepare a separate summary in relation to each witness and give a copy of each to the conducting member
- Three copies of an Identification Parade Report [Form 296] and give those to the conducting police member before the parade is conducted.

### **2.3 Information to be provided**

The conducting police member is to:

- provide the information listed on the Form 296 to the suspect and any legal practitioner, parent or other party present on the suspect's behalf
- before the parade is conducted, tell each of the witnesses:
  - how the parade will be conducted
  - they may ask to hear persons in the parade speak
  - they may view persons from any angle or moving.

### **2.4 Conduct of parade**

The conducting police member is to:

- complete the Form 296
- ensure that no investigating members take part in the conduct of the parade. If present at the parade, they should be in the view of the suspect
- ensure each witness views the parade separately from other witnesses
- read aloud the summary prepared by the investigating member
- ask each witness to view the parade, and, if they believe a participant to be an offender, to indicate the person and make a verbal reference to the participant.

### **2.5 Conclusion of parade**

At the conclusion of the identification parade, the conducting police member is to:

- make a brief entry relating to the parade in the Officer's Visits Book or similar
- give the investigating member two copies of the completed Form 296. The investigating member must attach a copy to the brief and advise the prosecutor.

### **2.6 Special cases**

- Young persons:
  - Suspects under 18 years of age are to be accompanied by a parent, guardian or independent third person.

- If a person under 18 years of age, who is not a suspect, is requested to participate in an identification parade obtain consent from their parent or guardian where possible.
- Witnesses with a mental disorder should be accompanied by an adult
- Suspects in prison:
  - Police may conduct identification parades in prisons with the consent of the prison Governor.
  - The Governor of the prison is responsible for the assembly of the parade.
  - Prison Officers will be present during the parade.

### 3. Verifying the identity of a suspect - Other methods

#### 3.1 *Picture identification*

A witness may be asked to examine a photograph of a suspect placed amongst other photographs when one of the exceptions to the requirement to conduct identification parades under s.114, *Evidence Act 2008* (detailed in **VPMP Crime reporting and investigations**), applies.

#### **Construction and use of photograph folders or photo-boards –**

- The photograph of one suspect is presented with eleven other photographs.
- If the suspect is in custody the photo used must be taken during that custody, unless:
  - the suspect's appearance has changed significantly from the time of the offence; or
  - it was not reasonably practicable to take a picture after the suspect was taken into that custody
- Photographs must:
  - be photographs kept for law enforcement purposes
  - have backgrounds and photograph sheets removed so only the person is shown and the photographs do not suggest that they depict persons in police custody
  - depict persons of similar age and appearance as the suspect
  - be of the same type (e.g., all black and white or all colour, all passport photos)
  - be of the same profile type (e.g., all full body profiles)
  - be numbered (refer to this number in witness statements regarding identification).

#### 3.2 *Video identification*

Unless there are exceptional circumstances, video identification should only be used after the suspect has been given the opportunity to take part in an identification parade.

**Compiling the tape –**

- The recording should contain:
  - the suspect and at least eleven other images of persons in a random sequence
  - images of persons of the same general appearance as the suspect and in similar surroundings
  - each sequence of image recorded by an electronic number
- Seek assistance from the Video Operations Unit, FSD in relation to compiling the tape.

**Viewing of the tape by the witness –**

- Only one witness should view the tape at the one time.
- Permit the witness to view, review or pause the tape recording as many times as they require.
- The witness and police member conducting the viewing should make a written statement of the viewing.

**3.3 Voice identification**

Contact the Centre for Investigator Training for advice before using voice identification as a means of proving identification of a suspect.

**3.4 Other methods**

- Alternatives to an identification parade include placing a witness outside a place attended by a suspect or in public amongst a group of people.
- The identity of a suspect may be tested during their custody or incidental to custody. This includes appearances in court, transport to or from courts, or having the witness view the suspect in a prison exercise yard. Do not use detention to make a suspect do something or go somewhere so that their identity may be tested.
- A single confrontation of witness with suspect should only be used to test identity as a last resort.

**Further Advice and Information**

For further advice and assistance regarding these Procedures and Guidelines, contact your supervisor or local training officer.

## Update history

|                            |                                                                                                                                                                                                                                    |                          |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b>Date of first issue</b> | <b>22/02/10</b>                                                                                                                                                                                                                    |                          |
| <b>Date updated</b>        | <b>Summary of change</b>                                                                                                                                                                                                           | <b>Force File number</b> |
| 12/09/11                   | <b>Section 1 Ethnic descriptions</b> - amendment to use the term ' <i>Aboriginal/Torres Strait Islander</i> appearance' in lieu of the inappropriate term 'Australian' in keeping with the title change introduced by DHS on 2006. | 066161/11                |
| 18/11/13                   | References to redundant instruments following IMSSD review have been updated with corresponding new instruments.                                                                                                                   | 069562/11                |
|                            |                                                                                                                                                                                                                                    |                          |
|                            |                                                                                                                                                                                                                                    |                          |
|                            |                                                                                                                                                                                                                                    |                          |