

Workshop on Eyewitness Identification

Sponsored by the Nuffield Foundation

Novartis Foundation, 41 Portland Place, London

Friday 24th February 2006

Session 1: Video identification: current practice and research

Introduction to current issues in eyewitness identification.

Tim Valentine

Goldsmiths College.

Recent evidence from the USA shows that mistaken eyewitness identification evidence is the leading cause of wrongful conviction. As a result of work by the Innocence Project, 174 people who were wrongfully convicted have been exonerated by DNA evidence not available at their original trial. Mistaken identification was a factor in 75% of these wrongful convictions.

Procedures for obtaining eyewitness identification evidence in the USA are very different from procedures used in the UK. For example, formal identification from an array of photographs is commonly used. In England and Wales the Criminal Evidence Act (1984) introduced codes of practice for identification by eyewitnesses. The code includes many important measures, but nevertheless approximately 20% of eyewitnesses still make a known mistaken identification.

In the last few years use of video has become the preferred format for identification procedures in the UK. There is evidence that video lineups can be fairer than 'live' lineups. The motivation for a recent research project funded by the Nuffield Foundation was investigate whether some ideas from the scientific literature based on identification from photographs could be combined with video presentation to enhance the effectiveness of video identification procedures.

Video identification and its practical applications

Rod Munro

Devon & Cornwall Police.

The audience will be shown how Video ID procedures have evolved in the UK. Current law that relates to facial identification methods shall also be discussed. The method of capturing the image of the suspect and transferred into a Video ID procedure will be demonstrated. Details of the importance of image standards, sizing and consistency will be given.

The audience will be given an overview of how eyewitness identification has been developed in recent years and gain a clear vision of how video ID and its

accompanying structures has assisted in preventing erroneous convictions, but at the same time resulted in a greater amount of identification evidence against offenders being brought before the Criminal Justice System.

Biographical note: The speaker is an Identification Inspector with over five years dedicated experience to this role giving ID Law and Procedures presentations to Senior Investigating Officers from across the UK through CENTREX. He is a co-founder of a nationally used volunteer facial database and chair of the PROMAT (ID I.T.) User Group.

Viper - Update and current issues

Peter Burton

West Yorkshire Police

Viper was established with Home Office funding as part of the Street Crime Initiative in 2002. This presentation will examine the growth and development of the Viper video identification system, from the early days as a West Yorkshire internal service up to the present day.

The recent changes to the Viper system and in the use of non-standard parades will be presented. Within this category of video ID parade is the use of replication and concealment of distinguishing features of a suspect. With the latest version of the PACE codes making reference to these techniques we will examine some case studies, the decision making process of the identification officer and the technological means available to assist.

Biographical note: Peter Burton is Head of Imaging Services at West Yorkshire Police and, as well as having management responsibility for the Viper system, has been involved with Viper and video identification for many years.

Enhancing the effects of video identification

Stephen Darling

Goldsmiths College

Results of an extended research project on video identification procedure will be presented. Three factors that have been identified in the state-of-the-art scientific literature as having an enhancing effect on identification procedures were investigated. The experiments were designed to be forensically relevant and made use of an operational UK identification system (VIPER). The factors investigated were: (1) Use of strict sequential presentation rules in parade administration, by which witnesses make a decision to each face individually and are not aware of how many faces they may see. (2) Use of a match-to-culprit description strategy rather than a match-to-suspect appearance strategy when selecting foils for the lineup. (3) The use of moving images rather than still images in the lineup. Implications for policy will be discussed.

Session 2: Aspects of new technology in eyewitness identification

Identification from CCTV

Josh Davis
Goldsmiths College.

In court, a verdict may depend on the judgement by members of a jury that the defendant is depicted in CCTV evidence. Two experiments are reported investigating the matching of a single live actor present in the room with moving video footage, using a single-item identity-verification design. This task simulates, more accurately than previous research, the question that the jury needs to resolve. Is the defendant in the dock the person in the video? In the first experiment, simulated CCTV images showed medium range comprehensive views of actors (i.e. the closest showed a full length shot of the person). The videos were three weeks old and a number of trials were conducted using different target actors. Experiment 2 utilised high-quality close-up video images of faces, some taken minutes prior to identification sessions. The results of both experiments confirmed that even when conditions are optimal and the task is a simple verification task, the matching of facial images is error prone.

Innovations in facial composite systems: Eigen-Fit

S. Gibson, C. Solomon, A. Pallares Bejarano and M. Maylin
University of Kent

A recent UK news story based on a specific criminal case, questioned the usefulness of facial composites in criminal investigations. The criticism levelled at the composite image in this particular case can be attributed to two factors. Firstly, the witness may have had unrealistically high expectations of what can be achieved via the composite process. Secondly, current composite techniques are inherently feature based and do not guarantee plausible composites in all cases.

Here we describe a holistic (whole face) approach to composite production, based on a statistical learning technique. Realistic composite faces are more easily obtained using our approach than with previous methods. The holistic approach is cognitively simple, thereby allowing the witness to play an active role in the composite process.

Session 3: Legal and Policy aspects of identification evidence

Legal aspects of identification evidence

Paul Bogan
Doughty Street Chambers

In many cases the present Code D formula for instructing a witness before an identification parade and questioning him or her afterwards offers little scope for analysing exactly what the witness's potential evidence. Yet these parts of the procedure may be just as important an evidential tool and a means of establishing the truth as the machinery of the parade itself. This may be particularly so in three

situations. First where a number of people have been involved in a crime, usually of group violence, where it may not be clear which offender the witness is purporting to identify or which role the witness is seeking to attribute to the suspect. The second is where the witness answers simply affirmatively with a number or negatively, in circumstances where on further or alternative questioning the response might be a qualified identification. The third is where the witness would positively be able to state that the offender was not paraded, in other words exculpating the suspect, but is not given an opportunity at that stage to do so.

In appropriate cases there are likely to be significant advantages in developing this aspect of the procedure and consideration to a change in the questioning should be given, or at the very least research into it.

Biographical note: Paul Bogan is a Barrister in Criminal Law. His practice encompasses drug trafficking, offences of serious violence and fraud. He has substantial leading experience in trials for murder, drugs importation and money laundering. An experienced advocate in the Court of Appeal, a number of his cases are reported in the Law and in the Privy Council he has represented a number of Caribbean prisoners in appeals against their convictions for murder.

In 2004 he published 'Identification: investigation, trial and scientific evidence' (Legal Action Group, 468pp), a comprehensive text on identification evidence in criminal trials. Some years earlier he was the assistant author of 'The Criminal Court in Action (Butterworths). He has also written articles for legal journals.

He is an elected member of the Bar Council and currently sits on their Law Reform Committee. He is also an elected council member (and former Treasurer) of Liberty for whom he has drafted a number of responses to proposed changes in Criminal Law. He has lectured on hearsay and police interviews under PACE.

The CPS perspective on identification issues

Amanda Bowring

Crown Prosecution Service

The issue of identification can be one of the most challenging aspects of evidence that a prosecutor may handle. The law on identification is complex and prosecutors know that any case which rests solely on such evidence, will face long legal argument.

This talk will discuss some of the issues that prosecutors face when dealing with identification cases and the issues that surround video identification procedures. Of particular interest is how video parades fit into statutory charging and some of the challenges posed in relation to disclosure of unused material. I will also discuss the more general problems that stem from the copious case law and how some prosecutor's problem may be solved by future drafts of the Code.

The PACE codes of practice

Alan Brown,
*Head of Police Powers and Community
Confidence Team,
Home Office.*

Alan Brown will focus on how best the Home Office can help facilitate change around identification issues to ensure that the police have proportionate powers to tackle crime whilst maintaining effective safeguards to protect the ordinary citizen from arbitrary interference.

A key driver lies in identifying gaps and barriers to successful investigations. The focus lies on improving police efficiency and effectiveness, enabling police resources to be focussed on operational front-line policing and achieving successful outcomes to investigations.

He will set out the process for reviewing PACE and the PACE Codes to deliver these aims.