



<b><u>Policy Title</u></b>	Production of E-fits
<b><u>CCMT Sponsor</u></b>	ACC Specialist Operations
<b><u>Department/Area</u></b>	Criminal Justice
<b><u>Section/Sector</u></b>	Identification

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### **1.0 Rationale**

E-fits (computer generated representations of an unknown person) can be a valuable aid in detecting crime and it is important that they are generated in circumstances whereby the integrity of the image and witness are of the highest quality.

### **2.0 Intention**

To detail the procedures by which:

- an Investigating Officer may request an E-fit of a suspect to assist an investigation and
- an E-fit operator will arrange to compile an E-fit from a witness.

### **3.0 General Principles**

**3.1** Before consideration is given to requesting that an 'E-fit' of a suspect should be produced, the Officer in the Case must:

- Obtain a witness statement from the potential witness (es) including the description of the suspect. This should include specifically whether the suspect was seen "full face".
- Establish that the witness is able to describe the suspect's face in detail.

**3.1.1** In exceptional circumstances it will be possible to commence the procedure before a formal witness statement has been taken, but in this case the suspect's description must be fully recorded by the OIC before they contact the E-fit operator.

**3.1.2** The Officer in the case must also confirm:

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- The suspect is not known to either the witness(es) OR the officer. *(In this case another procedure will be used - ideally the suspect will be arrested and subject to formal identification procedures.)*
- There is no CCTV recording of the suspect (or if there is CCTV that it does not show the suspect's face). *(In this case there is a more accurate likeness than an E-fit available.)*
- No photographs or VideoWitness image captures have been shown to the witness(es). *(An E-fit **must** be done before photographs or VideoWitness image captures are shown.)*

**4.0 Challenges & Representations**

Any person directly affected by this policy may make representations in relation to this document and/or any decision taken in consequence of it, to:

Superintendent  
Criminal Justice Department  
Thames Valley Police Headquarters  
Oxford Road  
Kidlington  
OX5 2NX

**4.1**

Independent scrutiny of this policy will be monitored by the courts reviewing cases which appear before them.

**5.0 Guidance, Procedures & Tactics**

**5.1**

The OIC must discuss the case with a supervisory officer and confirm it is appropriate to contact an E-fit operator.

**5.2**

The OIC should then contact their local E-fit operator (see Appendix A) to discuss the case and, based upon the information provided, the E-fit operator will decide if an E-fit may be appropriate.

**5.3**

The E-fit operator will contact the officer by e-mail including their decision as to whether an E-fit may be appropriate and the reason(s) if not. A copy of this e-mail will be kept by the E-fit operator.

**5.4**

In the event that the OIC disputes an E-fit operator's decision not to undertake the generation of an E-fit the matter will initially be referred to the Area Crime Manager (or nominated deputy) for an opinion. If they

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support the OIC's position, they will contact the Superintendent, or Chief Inspector (2 i/c), HQ Criminal Justice for a final decision.

**5.5**

When the E-fit operator considers that an E-fit *may* be appropriate they will then record details of the witness (es). The OIC must then advise the witness (es) that they will be contacted directly by the E-fit operator.

**5.5.1** If there is more than one witness the E-fit operator contacted will make the necessary arrangements for other E-fit operators to be involved.

**5.5.2** The E-fit operator will contact the witness to further discuss the details of the case in order to decide if it is appropriate to pursue the E-fit process.

**5.6**

If it is decided that an E-fit should be pursued, the operator will complete a risk assessment of the witness before making arrangements to meet the witness. This interview and obtaining of the E-fit may be done at any suitable location but the 'risk assessment' may determine that it should be done at a Police Station and/or that a Police Officer should be present (in which case the OIC, or their supervisor, will be requested to arrange the necessary assistance).

**5.6.1** When the E-fit operator meets the witness they will complete an interview before finally deciding whether it is appropriate to generate an E-fit of the suspect.

**5.6.2** When an E-fit has been generated it will be printed, signed and dated by the witness and then dealt with as an exhibit. It will be marked "To alter, add, tint, colour or change any details within the pictorial statement would amount to tampering with evidence". An electronic back-up copy of the image should be made and stored securely by the E-fit operator so that it can be produced and exhibited if necessary. The E-fit operator's notes of the interview will also be produced as an exhibit. All exhibits will be dealt with in accordance with the National Manual of Guidance (for prosecution files).

**5.6.3** If an E-fit operator is unable to complete an E-Fit with a witness, then the officer in the case will be informed of the decision. The E-fit operator may then advise as to whether they consider that recognition by the witness is a strong possibility and may advise the officer in the case to show Video Witness image captures or a photo album in accordance with PACE Codes of Practice, Code D, Annex E.

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**5.6.4** Working copies of an image (also endorsed “To alter, add, tint, colour or change any details within the pictorial statement would amount to tampering with evidence”) will be supplied to the OIC as required.

**5.7**

The guidance contained within the latest **Association of Chief Police Officers (ACPO)** manual on “National Working Practices in Facial Imaging” will be followed at all times

**5.8 Vulnerable Witnesses**

There may be two ways in which E-fit operators meet vulnerable witnesses. The procedures in both circumstances are as follows:

**5.8.1** When the OIC is aware that the witness is vulnerable they will already have had to contact a ‘Gateway Officer’ (in accordance with the policy on “Section 16 and 17 Youth Justice and Criminal Evidence Act 1999 - Special Measures for Vulnerable and Intimidated Witnesses particularly Video Interviewing”) to determine the best method of recording that witness’s evidence.

**5.8.2** When it appears that an E-fit could be required from the witness, the ‘Gateway Officer’ will convene a ‘Special Measures’ meeting to consider how best to obtain “identification evidence” from the witness. In doing this, consideration will be given to:

- The degree of vulnerability of the witness as regards age, mental status, resilience to further interviews.
- The importance of Victim Care, securing evidence and preventing further offending.
- The option of showing photographs instead of compiling an E-fit.
- When the primary evidence has been recorded by way of a video interview any interview for E-fit purposes should also be recorded on video.

**5.8.3** When the OIC is unaware that a witness is vulnerable (for example they initially appear unaffected by the event and their evidence has been recorded in a written statement), it is possible that when the E-fit operator interviews the witness they will become aware that the person is actually vulnerable. In this case the primary evidence will already have been recorded and the E-fit operator will inform the OIC of their observations when they send them the result of their enquiries (whether an E-fit was produced or not).

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**5.8.4**

To provide the best available service in either circumstance, E-fit operators will be trained to interview vulnerable and intimidated witnesses.

**5.9 Documentation of Decisions**

**5.9.1** A record will be kept of all E-fit requests and the E-fit operator's decision after an assessment is carried out. The officer in the case will be informed via e-mail and a copy of this e-mail will be retained by the operator.

**5.9.2** A record will also be kept of all actions taken once a request to consider producing an E-fit has been accepted by the operator. These records will be retained in accordance with the force retention policy.

**6.0 Communication**

**6.1 Links to Police National Legal Database Other**

Link to PNLD PACE Codes of Practice

- Thames Valley Police Force Policy:
- Vulnerable and Intimidated Witnesses
- Identification

**6.2 Communications Strategy**

- Intranet Policy and Procedure site
- Force Weekly Orders
- All users e-mail

**Target audience:**

- All Operational Police Officers.
- Vulnerable Witness 'Gateway Officers'.

**7.0 Compliance and Certification**

**7.1 Human Rights Certification**

**(i) Legal Basis**

The legal basis for this document is derived from the Police and Criminal Evidence Act 1984 and Code D of the Codes of

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Practice issued under section 66 of that Act, together with relevant case law.

**(ii) Human Rights Articles Engaged**

It is acknowledged that this policy has the potential to engage the following Article:-

- Article 6 Right to a Fair Trial

In the event that an Article of the Convention is engaged, then the legitimacy for the engagement is provided within the text of the Articles:

- Article 6. Right to a Fair Trial. It applies in its entirety when a person is subsequently detained, arrested or charged.

**(iii) Prohibition of Discrimination**

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the Convention. The enjoyment of the Rights and Freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any grounds, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard to natural justice and human rights.

The policy has been audited for compliance with the Race Relations Act 1976 (as amended). All officers and E-fit operators must be aware of the need to use appropriate language at all times, for example in describing skin colours and ethnic origin.

**7.2 Diversity Impact Assessment**

This policy has been assessed for its relevance to the six strands of Diversity and has been rated as 'LOW' relevance.

**7.3 Diversity (Human Resources)**

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

**NOT PROTECTIVELY MARKED****7.4 Data Protection**

Any personal data and information obtained in connection with this policy will be processed in accordance with the provisions of the Data Protection Act 1998.

**7.5 Freedom of Information Act**

This policy is available to the public via the Thames Valley Police Freedom of Information Publication Scheme site.

**7.6 Protective Markings**

This policy has been assessed as NOT PROTECTIVELY MARKED.

**7.7 Health & Safety at Work**

A risk assessment is conducted as part of the pre-interview procedure and the procedure for selecting the venue or obtaining additional staff is detailed in the policy. All risk assessment is to be carried out by a competent person, in accordance with the Force requirement, set out in the Force Health and Safety Manual.

**8.0 Monitoring and Review****8.1 Links to Best Value/PPAF/Priorities/Performance Indicators**

The policy is designed to maximise the ability of witnesses to provide evidence of the description of unknown offenders.

It links with the Best Value Review of Crime Investigation.

**8.2 Review Process**

A full review will be carried out annually by the policy author and will examine:

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations
- Relevant Equality data

FOR USE BY THE POLICY MANAGEMENT UNIT ONLY

Policy Authorisation

Policy signed off by:

ACC Francis Habgood  
ACC Specialist Operations

28-08-2007  
Date

APPENDICES

**Appendix A**

Only authorised E-fit officers will be used to obtain E-fits and there are presently 3 such members of staff based at Milton Keynes and Reading Police Stations.

Although each has a general responsibility for their own county they will attend anywhere in the force area and provide a mutual support policy to cover for annual leave, courses, etc., and cases involving more than 1 witness.

Details of the operators and their contact details are held on the force Telephone Directory, the Intranet (on the Criminal Justice Department site) and on the Command and Control system.