



Jersey

**EXTRADITION (CODE OF PRACTICE  
FOR IDENTIFICATION) (JERSEY)  
ORDER 2005**

**Official Consolidated Version**

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## EXTRADITION (CODE OF PRACTICE FOR IDENTIFICATION) (JERSEY) ORDER 2005

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Jersey

## **EXTRADITION (CODE OF PRACTICE FOR IDENTIFICATION) (JERSEY) ORDER 2005**

**THE HOME AFFAIRS COMMITTEE**, in pursuance of Articles 94 and 120 of the [Extradition \(Jersey\) Law 2004](#), and having complied with paragraph (2) of Article 94 of that Law, orders as follows –

Commencement [[see endnotes](#)]

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### **1 Code of practice for identification**

The code of practice set out in the Schedule shall have effect.

### **2 Citation**

This Order may be cited as the Extradition (Code of Practice for Identification) (Jersey) Order 2005.

## SCHEDULE

(Article 1)

[Extradition \(Jersey\) Law 2004](#)

**Code of practice for identification of persons detained under the [Extradition \(Jersey\) Law 2004](#)**

**(made pursuant to Article 94 of [Extradition \(Jersey\) Law 2004](#))**

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## 1. Introduction

- 1.1 This Code of Practice concerns the principal methods available to the police to identify people wanted for extradition and the keeping of accurate and reliable records of extradition cases.
- 1.2 Identification of persons wanted for extradition may be made using the following methods –
- ◆ taking of fingerprints;
  - ◆ (non-intimate) body samples and impressions, including taking samples such as blood or hair to generate a DNA profile for comparison with material obtained from the requesting territory;
  - ◆ taking of photographs;
  - ◆ searching and examining detained persons to find, *e.g.* marks such as tattoos or scars which may help establish their identity.
- 1.3 Under this Code, intimate samples may not be taken for the purposes of ascertaining identity.

## 2. General

- 2.1 This Code must be readily available at all police stations for consultation by –
- ◆ police officers;
  - ◆ detained persons;
  - ◆ members of the public.
- 2.2 The provisions of PPCE Code D paragraphs 2.3 - 2.6 and 2.11, 2.12 and 2.14 (and the corresponding Notes for Guidance) apply to this Code in respect of persons who are believed –
- ◆ to be mentally disordered or otherwise mentally vulnerable;
  - ◆ to be under the age of 17;
  - ◆ to be blind, seriously visually impaired, deaf, unable to read or speak or have difficulty orally because of a speech impediment.
- 2.3 References to custody officers include those performing the functions of a custody officer.
- 2.4 When a record of any action requiring the authority of an officer of a specified rank is made under this Code, subject to paragraph 2.8, the officer's name and rank must be recorded.
- 2.5 Subject to paragraph 2.9 all records must be timed and signed by the maker.
- 2.6 References to –
- ◆ “taking a photograph”, include the use of any process to produce a single, still, 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”, include the deletion of computer data relating to such images or making access to that data impossible.
- 2.7 References to 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 a person’s body orifice other than the mouth.
- 2.8 Nothing in this Code requires the identity of police officers or civilian support staff to be recorded or disclosed if the officers or civilian support staff reasonably believe recording or disclosing their names might put them in danger. In these cases, they shall use warrants or other identification numbers and the name of their police station or parish hall.

### **3. Identification by fingerprints and samples**

#### **(a) General**

- 3.1 References to “fingerprints” means any record, produced by any method, of the skin pattern and other physical characteristics or features of a person’s fingers or palms.
- 3.2 References to a “non-intimate sample” mean a sample of hair, other than pubic, a sample taken from a nail or from under a nail, a swab taken from any part of a person’s body including the mouth but not any other body orifice, saliva, or a skin impression (other than a fingerprint).

#### **(b) Action**

- 3.3 Under Article 89 of the Law fingerprints or a non-intimate sample may be taken from a person detained at a police station in connection with an extradition offence, in order to –
- (a) assist in establishing the person’s identity;
  - (b) assist in the investigation of outstanding or unsolved Jersey offences;
  - (c) assist in the conduct of prosecutions by or on behalf of police or other law enforcement and prosecuting authorities inside and outside Jersey;
  - (d) maintain a national police record of extradited persons.
- 3.4 A person’s fingerprints or a non-intimate sample may only be taken –
- (a) with the consent of the person in writing; or
  - (b) with the authorisation of a police officer of at least the rank of inspector, without that consent.
- 3.5 A person’s fingerprints may be taken electronically.
- 3.6 Reasonable force may be used, if necessary, to take a person’s fingerprints or a non-intimate sample, without their consent.
- 3.7 Intimate samples may not be taken under Article 89 of the Law.



- 3.8 Before any fingerprints or a non-intimate sample are taken, with or without consent, the person must be informed –
- (a) of the reason for taking their fingerprints or the sample;
  - (b) of the grounds on which the relevant authority has been given;
  - (c) that their fingerprints and/or the information derived from the samples will be retained and may be the subject of a speculative search.
- 3.9 Officers should have regard to PPCE Code D 6.9 and the corresponding Notes for Guidance in the procedures for taking non-intimate samples.

**(c) Documentation**

- 3.10 A record must be made as soon as possible, of –
- (a) the reason for taking a sample;
  - (b) the reason for taking a person's fingerprints without consent.
- 3.11 If force is used, a record shall be made of the circumstances and of those present.
- 3.12 A record shall be made of the fact that a person has been informed that fingerprints and samples (and the information derived from it) may be the subject of a speculative search.

**(d) Use, disclosure and retention of fingerprints and samples**

- 3.13 Fingerprints or samples (and the information derived from the samples) taken from a person under Article 89 of the Law may be used or disclosed only for purposes related to –
- (a) establishing the person's identity;
  - (b) the prevention and detection of crime;
  - (c) the investigation of domestic offences;
  - (d) the conduct of prosecutions by or on behalf of police or other law enforcement and prosecuting authorities inside and outside Jersey.
- 3.14 After being so used or disclosed the fingerprints and samples may be retained by the police and other law enforcement authorities in Jersey, but the information must not be used or disclosed except for the purposes in paragraph 3.13 and being the subject of a speculative search.
- 3.15 A speculative search means the fingerprints or samples (and the information derived from the samples) 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 Jersey, or held in connection with, or as a result of, an offence committed inside or outside Jersey.
- 3.16 Fingerprints and samples (and the information derived from the samples) or copies of this information, may be sent to the requesting authority or territory before completion of the extradition proceedings, to assist in establishing the person's identity.

**(e) Destruction of fingerprints and samples**

- 3.17 When fingerprints and samples are taken from a person wanted for extradition and the person is discharged from the extradition proceedings, they must be destroyed as soon as they have fulfilled the purpose for which they were taken, unless paragraph 3.18 applies.
- 3.18 If the person gives their written consent for their fingerprints or sample to be retained and used after they have fulfilled the purpose for which they were taken, the fingerprints or samples do not have to be destroyed.
- 3.19 When a person's fingerprints or samples are to be destroyed, officers shall follow the guidance in PPCE Code D, Annex F, paragraph 3.

**4. Examination to establish identity and taking of photographs****(a) Searching or examination of detainees at police stations**

- 4.1 Article 90 of the Law allows an officer or a designated person to search or examine a person wanted for extradition and detained at a police station in order to establish –
- (a) whether they have any marks, features or injuries (e.g. tattoos or scars) that would tend to identify them as the person wanted in connection with the extradition offence, and to photograph any identifying marks (see paragraph below on the taking and use of photographs); or
  - (b) their identity.
- 4.2 Under Article 90 a search and/or examination to find marks may be carried out –
- (a) with the person's consent; or
  - (b) without the person's consent, if it is not possible to obtain it and authorisation has been given in accordance with paragraph 4.4.
- 4.3 Identifying marks may be photographed with the person's consent or without their consent if it is withheld or it is not possible to obtain it. Authorisation by a senior officer is not required in the taking of photographs without consent, but proper documentation must be filed, according to paragraphs 4.15 - 4.16 below.
- 4.4 A search and/or examination without consent may only take place if authorised by an officer of the rank of inspector or above. Authorisation 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.
- 4.5 A detainee may only be searched, examined and photographed under Article 90 of the Law by a police officer of the same sex.
- 4.6 If it is established that a person is unwilling to co-operate 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.

- 4.7 The thoroughness and extent of any search or examination carried out in accordance with the powers in Article 90 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 PPCE Code C, Annex A, paragraph 11.
- 4.8 An intimate search may not be carried out under Article 90 of the Law.

**(b) Photographing**

- 4.9 Article 91 of the Law allows an officer or a designated person to photograph a person wanted for extradition and detained at a police station –
- (a) with their consent; or
  - (b) without their consent, if it is not possible to obtain consent.
- 4.10 The officer proposing to take a person's photograph may, for this purpose, require the person to remove any item or substance worn on, or over, all or any part of the head or face. If the person does not comply with such a requirement, the officer may remove the item or substance.
- 4.11 If it is established that a person 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.
- 4.12 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**

- 4.13 When a person is searched, examined or photographed, 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 a photograph may be used, disclosed or retained.
- 4.14 This information must be given before the photograph is taken, except if the photograph is –
- (a) taken covertly;
  - (b) obtained as in paragraph 4.12 by making a copy of an image of the person taken at any time on a camera system installed anywhere in the police station.

**(d) Documentation**

- 4.15 A record must be made when the person is searched, examined or a photograph of the person or any identifying marks found on them is taken. The record must include the –
- (a) identity of the officer carrying out the search, examination or taking the photograph;
  - (b) purpose of the search, examination or photograph and the outcome;
  - (c) person'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, the grounds for giving it and the authorising officer.
- 4.16 If, under paragraph 4.11, force is used when searching, examining or taking a photograph, a record shall be made of the circumstances and those present.

**(e) Use, disclosure and retention of photographs of persons or identifying marks**

- 4.17 Any photographs of persons or identifying marks taken under Article 90 and 91 of the Law may be used or disclosed only for purposes related to –
- (a) establishing the person's identity;
  - (b) the prevention and detection of crime;
  - (c) the investigation of domestic offences;
  - (d) the conduct of prosecutions by or on behalf of police or other law enforcement and prosecuting authorities inside and outside Jersey.
- 4.18 After being so used or disclosed, the photographs may be retained by the police and other law enforcement authorities in Jersey but they must not be used or disclosed except for the purposes in paragraph 4.17.
- 4.19 A photograph of the person or identifying marks (or a copy) taken under Article 90 or 91 of the Law may be sent to the requesting authority or territory in advance of the person's extradition to assist in establishing the identity of the person arrested.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Extradition (Code of Practice for Identification) (Jersey) Order 2005	<a href="#">R&amp;O.93/2005</a>	15 September 2005

### Table of Renumbered Provisions

Original	Current
2(1)	2
2(2)	Spent, omitted

### Table of Endnote References

*There are currently no endnote references*