

THE KENYA POLICE

IDENTIFICATION PARADES **2.**

(Chapter 46, Force Standing Orders)

6. (iv) Whenever it is necessary that a witness be asked to identify an accused/suspected person, the following procedure must be followed in detail—

- (a) the accused/suspected person will always be informed of the reason for the parade and that he may have a solicitor or friend present when the parade takes place;
- (b) the police officer in charge of the case, although he be present, will not conduct the parade;
- (c) the witness or witnesses will not see the accused before the parade;
- (d) the accused/suspected person will be placed among at least eight persons, as far as possible of similar age, height, general appearance and class of life as himself. Should the accused/suspected person be suffering from a disfigurement, steps should be taken to ensure that it is not especially apparent;
- (e) the accused/suspected person will be allowed to take any position he chooses and will be allowed to change his position after each identifying witness has left, if he so desires;
- (f) care will be exercised that witnesses do not communicate with each other;
- (g) every unauthorized person must be excluded;
- (h) if the witness desires to see the accused/suspected person walk, hear him speak, see him with his hat on or off, this should be done, but in this event the whole parade should be asked to do likewise;
- (i) ensure that the witness actually touches the person he identifies;
- (j) at the termination of the parade, or during the parade, the officer conducting it should ask the accused/suspected person if he is satisfied that the parade is being/has been conducted in a fair manner and make a note of his reply;

(k) when explaining the procedure to a witness the officer conducting the parade will tell him that he will see a group of people which may or may not contain the person responsible. The witness should not be told "to pick out somebody" or be influenced in any way whatsoever;

(l) a careful note must be made after each witness leaves the parade, to record whether he identified the accused/suspected person and in what circumstances;

(m) a record should be made by the officer conducting the parade of any comment made by the accused/suspected person during the parade, particularly comments made when the accused/suspected person is identified;

(n) the parade must be conducted with scrupulous fairness, otherwise the value of the identification as evidence will be lessened or nullified.

(v) Parades should be conducted with as much privacy as possible. They should not, unless unavoidable, be held in view of the public but in an enclosed compound or yard from which all spectators and unauthorized persons have been excluded.

(vi) If a witness desires to keep his identity secret, and the circumstances are such that the officer in charge of the case deems such a course advisable for reasons of security, victimization, etc., arrangements will be made for the witness to view the parade from a concealed vantage point (e.g. through a window, from a room or from behind a screen). If the witness identifies one or more of the persons on the parade, the person(s) so identified will be removed from the parade and brought before and confronted with the witness, who will be asked to confirm the identification in the normal way, i.e. by touching the person.

REPORT OF AN IDENTIFICATION PARADE HELD AT

ON _____ FROM _____ TO _____

A CASE FILE NO. _____ OFFENCE _____

INVESTIGATING OFFICER: Name _____

Rank _____ Whether present: Yes/No.

(N.B.—See para. 6 (iv) (b) on page one; should the Investigating Officer choose to be present, then he must be present for the whole of the parade.)

B OFFICER IN CHARGE OF THE PARADE: Name _____

Rank _____ Station _____

NAME OF SUSPECT _____

ADDRESS OF SUSPECT _____

Suspect informed of purpose of Parade by _____

Suspect asked if he/she consents to appear on the Parade and replies thereto _____

Signature of Suspect

Informed that, if desired, a friend or solicitor may be present, and replies thereto _____

Name and Address of friend/solicitor _____

Signature of Suspect

C WITNESSES:

No. Name Address

1. _____

2. _____

3. _____

4. _____

5. _____

(Continued on page 3)

E RESULTS OF THE PARADE:—

Witness No.	Position of the Suspect on Parade	Was Suspect Identified? If so, how?	REMARKS
1	Between &		
2	Between & -		
3	Between &		
4	Between &		
5	Between &		

Reply by suspect when asked if satisfied with the conduct of the parade

Signature of Suspect _____

F CERTIFICATE BY THE OFFICER CONDUCTING THE PARADE:—

I conducted the whole of the proceedings in connection with the parade and I certify that the instructions on Identification Parades were strictly complied with and that, as far as possible, the persons taking part in the parade were of similar age, height and general appearance, as the suspect.

Date _____

Signature _____

Rank _____

N.B.—If there is insufficient room to record the reply to any question, a separate report must be attached.

D MEMBERS OF THE PARADE:

No.	Name	Address
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

What objections (if any) were made by the suspect concerning the arrangements, or the persons on the Parade: what action was taken concerning the objections

With reference to page 1, para. 6 (iv) (c) and (f) detail the witnesses' accommodation arrangements

Production Order
Section 116, Cr. P.C.



REPUBLIC OF KENYA

CRIMINAL J

IN THE COURT AT

CRIMINAL CASE **OF 20**

TO: THE SUPERINTENDENT

..... PRISON

You are hereby directed to produce in this Court at a.m./p.m. on the.....

..... 20..... Remand/Convicted Prisoner No.....

Name.....

who was committed to the prison under your charge on....., 20.....

Criminal Case No.

.....ed this..... day of....., 20.....

JKF - 12/00