

CHAPTER 12: Identification evidence

1. *Why ought we often to be suspicious of identification evidence?*

Our poor ability to identify people whom we do not know and whom we have seen perhaps fleetingly is well recognised. The Devlin Committee's report on evidence of identification in criminal cases (1976) and the Court of Appeal's decision in *R v. Turnbull* [1977] QB 224 explain the concerns and propose palliative measures that can be taken to reduce the risks of wrongful conviction.

2. *What is a Turnbull direction? When must it be delivered? What form does it take?*

The *Turnbull* direction was devised by a full Court of Appeal where the case against an accused depends wholly or substantially on the correctness of one or more identifications of the accused – which the defence alleges to be mistaken. It is aimed at reducing the risk of wrongful convictions resulting from faulty identification evidence. When the judge feels that the quality of the identifying evidence is poor, the judge should withdraw the case from the jury and direct an acquittal, unless there is other evidence which supports the correctness of the identification. The trial judge needs tell the jury which evidence they believe is capable of supporting the evidence of identification. The direction is discussed at paras. 12.9 ff.

3. *What is an 'expert ad hoc'?*

This variety of identifying witness originated in the context of identifications made from film and photographs in the case of *R v. Clare and Peach* [1995] 2 Cr App R 333 (see especially para. 12.52).

4. *What principles govern the admission of contested voice identification evidence?*

This question requires you to consider methods of voice identification as well as voice identification parades (see paras. 12.17-12.22, 12.43 and 8.15).

5. *When are dock identifications permissible?*

Generally considered a most unreliable way of identifying suspects, evidence of dock identification is not inadmissible *per se* (see paras. 12.44-12.47).