

## IDENTIFICATION PARADE IN CRIME DETECTION: THE NIGERIAN EXPERIENCE\*

### Abstract

Identification parade is a Police identification procedure in which physically similar persons one of whom may be the suspect are shown to the victim usually simultaneously, or a witness to determine whether the suspect can be identified as the perpetrator of the crime. The aim of this paper is to show the relevance and importance of identification parade in identifying crime suspects. The findings of the work show that whenever the victim is not sure or have the opportunity of seeing and remembering the victim based on the circumstances of the crime, an identification parade must be conducted. It is recommended that identification parade be video recorded and done in the presence of parties to the crime.

**Keywords:** Crime Detection, Identification Parade, Investigation, Nigeria

### 1. Introduction

An identification parade also known as a lineup is a legal procedure used by law enforcement to help victims or witnesses identify a suspect in a crime. It involves presenting the suspect alongside other individuals with similar physical characteristics to the victim or witness for identification. A parade may occasionally involve a witness being asked to identify an object used in the commission of a crime such as vehicles, premises, firearms and other weapons, tools or instruments or clothing<sup>1</sup> or other physical objects or even an animal. The same legal principles apply to both person and object identification parades<sup>2</sup>. The Black's Law Dictionary<sup>3</sup> defines identification parades as a police identification procedure in which physically similar persons, one of whom may be a suspect are shown to the victim, usually simultaneously, or a witness to determine whether the suspect can be identified as the perpetrator of the crime. It will be noted that although identification parade is not statutorily provided in the criminal and penal code; it has gained prominence through judicial pronouncements. The cases of *Alufohai v The State*<sup>4</sup>, *Ogoala v The State*<sup>5</sup>, *Bamaiyi v The State*<sup>6</sup> and *Seun v The State*<sup>7</sup> are illustrative.

### 2. The Purpose of Identification Parade

The primary goal of identification parade is to determine if the witness or victim can positively identify the suspect as the perpetrator of the crime or identify the object(s) or instrument(s) used in the crime operation. A police line up or identity parade is a process by which a suspect who committed a crime against a victim is identified by the victim to the extent that the identification can be used as evidence against the suspect during trial. During the identification parade, the suspect alongside with the several people of the same height, body build and complexion who are fellow inmates in the prison or police detention facility or who may be police officers or volunteers stand side-by-side with the suspect for the victim to identify the suspect<sup>8</sup>. According to Atoyebi<sup>9</sup>, identification parade can be conducted in different ways thus:

- a) **Conventional lineup:** A lineup in which the witness can view all the victims simultaneously and look at each one repeatedly before identifying the culprit or declaring that no one in the lineup is the culprit<sup>10</sup>.
- b) **Blank lineup:** A type of identification parade in which the victim or witness is shown a lineup that contain people who are not suspects to the crime.
- c) **Sequential lineup:** A line up in which each person is shown separately to the witness or victim who must decide whether the person is the culprit before the next person is shown. Under this technique, the witness can compare a person only to the witness memory of the suspect's appearances.
- d) **Double-blind sequential lineup:** A lineup in which the law- enforcement, double-blind or officers conducting the procedure do not know which participant is the suspect.

### 3. Procedure for Identification Parade

An identification parade or lineup is a procedure where a victim of crime is lined up with people of similar characteristics who have the same colour, height, stature, relative resemblance of the same age and the victim is asked to identify the suspect. To ensure fairness and bias, the suspect will be reminded of the procedure to be taken during the identification process. Unauthorized person including persons who have interest in the case will not be allowed to participate in the parade identification. The parade will include other persons at least a minimum of eight persons, an interpreter should be brought to the suspect during the identification process if he is unable to fully understand and comprehend the language used during the identification parade, the suspect will be covered with any special feature, mark(s) or spots on his face or body that will

\*By **Jude Uchenna OKOYE, PhD (Law), PhD (G/C), Crit. (Cert) Toronto**, Reader, Faculty of Law, Nnamdi Azikiwe University, Awka., Anambra State, Nigeria

\***Chinazor Queen UMEOBICA, PhD**, Reader, Faculty of Law, Nnamdi Azikiwe University Awka, Anambra State, Nigeria, Email: cq.umeobika@unizik.edu.ng

<sup>1</sup>*R v Hickens & Ors* (1996) Crime. LR 584 CA

<sup>2</sup>*R v HURNBULL* (1996) WLR 445

<sup>3</sup>Garner, *Black's Law Dictionary*, Thompson Reuters, 10<sup>th</sup> Edition @ 1071

<sup>4</sup>(2015) 3 NWLR (pt. 1445) 172

<sup>5</sup>(1991) LPELR- 2307 (SC) at 13 A-B

<sup>6</sup>(2001) LPELR-731

<sup>7</sup>(2019) LPELR- Sc 601/2016

<sup>8</sup>Police lineup; Retrieved from <https://em.wikipedia.org/polcie-lineup>. Accessed 2/5/2025

<sup>9</sup>Garner, *Black's Law Dictionary*, Thompson Reuters, 10<sup>th</sup> Edition p. 1071

<sup>10</sup>American Psychological Association (APA) <https://dictionary.apa.org>. Accessed 13/5/2025

easily distinguish him from the lineup. The police or person who is conducting the parade will line them up in the order he wants although the suspect can choose the position he will be in the lineup and after lining them up, each position in the lineup must be clearly numbered and marked. Communication to suggest an answer by the person conducting the parade or by the witnesses shall not be entertained. A video recording of the procedure shall be made to ensure best practices. Questions suggesting an answer by the person conducting the parade shall not be part of the procedure such as asking the victim: 'Is that the man?'<sup>11</sup>, the victim shall not be given any assistant to aid him or her in identifying the suspect.<sup>12</sup>

#### **4. The Necessity of Identification Parade**

In Nigeria, there are cases that may need identification parade and when such parade will be necessary to convict the suspect. In law, identification parade is not mandatory but they are crucial when the witness did not previously know the suspect or had a very brief encounter with him/her or had the opportunity to observe the suspect features. The case of *Udoh v State*<sup>13</sup> emphasis this, noting the importance of parades when the defendant was not immediately apprehended and witnesses hadn't had a prior encounter with the suspect(s). See also the case of *Adebiyi v State*<sup>14</sup> that illustrates how alibi defences and the need for police investigation are considered in cases where identification is crucial in criminal trial where the court states thus:

As this court held in *Afolalu v State*<sup>15</sup> identification parade is not sine qua non to a conviction for a crime alleged. It is only essential in the following instances:

- (a) Where the victim did not know the accused before and the first acquaintance with him was during the commission of the offence<sup>16</sup>;
- (b) Where the victim or witness was confronted by the offender for a very short time and
- (c) Where the victim due to time and circumstances might not have had the full opportunity of observing the features of the accused (person)<sup>17</sup>

The decisions on this point are actually many. Only handful will be cited here<sup>17</sup>; per Nweze J.S.C.

It is not in every case that an identification parade becomes necessary. The Supreme Court in various decided cases in Nigeria have stated circumstances or situations where it may not be necessary to conduct identification parade which includes:

- i) Where the suspect confesses to the commission of the crime.
- ii) Where the suspect is arrested in the act or process of committing the crime.<sup>18</sup>
- iii) Where the suspect was well known to the witness before the commission of the crime. In this situation, the identification parade will be for recognition.<sup>19</sup>
- iv) Where an alibi has been provided by the suspect and sufficiently proven.<sup>20</sup>
- v) Where there is other evidence leading conclusively to the identity of the penetrators of the offence<sup>21</sup>.
- vi) Where there is a convincing, cogent and compelling evidence linking the suspect to the offence<sup>22, 23</sup>.

The success or otherwise of this procedural doctrine is determined by the circumstances of each case. In *Seun v The State*<sup>24</sup>, the appellant and two others were arrested on the 15/9/2012 in an uncompleted building close to Michael Ayawole of the High Court of Justice Ekiti State who the suspects robbed with arms about 3 am on the fateful day. After the robbery, he reported the incidence to the police who made arrest in the uncompleted building. After the arrest, the Police invited the victim who pointed at the appellant and two others who were sitting at the bench in the police station as the person who robbed him. During the identification parade, he maintained his stance that the 2<sup>nd</sup> man (now appellant) was one of those who robbed him. He gave evidence that the appellant was dark in complexion, charcoal black and wore no mask. Delivering the judgment, the court held that it is not even necessary to conduct an identification parade. In this case, PW1 the victim of the robbery recognized the three accused persons at the police station a few hours after the robbery incident when it was still fresh in the neighborhood when they were apprehended. The court was guided by the precedent in *Ukpabi v State*<sup>25</sup> where Uwaifo JSC (as he then was stated thus at page 450 that: 'Identification parade is not necessary where the witness recognized one of those who robbed him while the matter was still fresh in his mind and the man was still in the neighbourhood and within the easy reach'

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<sup>11</sup>See Oputa JSC in *Boziin v State* (1985)

<sup>12</sup>*Oluwasegun v State* (2017) LPELR- 43705 (CA)

<sup>13</sup>(2023) LPELR – 5974 (SC)

<sup>14</sup>(2016) Legalpedia (SC) 44111

<sup>15</sup>(2WLR (pt. 12:0) 584, 616

<sup>16</sup>*Tajudeen Alabi v The State* (1993) 7 NWLR (pt. 307) 511

<sup>17</sup>*Ikemson v State* (1989) 3 NWLR (pt. 110) 455; *Okosi v State* (1989) 1 NWLR (pt. 100) 642; *Khaleel v State* (1997) 8 NWLR (pt. 576) 237; *Otti v State* (1993) 4 NWLR (pt. 290) 675; *Eyisi v State* (2000) 15 NWLR (pt. 691) 555; *Attah v State* (2010) (pt 1201) 190. 225

<sup>18</sup>*Otti v State* (1993) 5 SCNJ 143

<sup>19</sup>*Samuel Bozin v State* (1985) 2 NWLR 464 SC

<sup>20</sup>*Abudu v State* (1985) 1 NSCC 78

<sup>21</sup>*Ikemson v State* (supra)

<sup>22</sup>*Adebayo v State* (2004) LPELR- 22988 (SC)

<sup>23</sup>*Moses Jua v State* (2010) 4 NWLR (pt 1154) SC

<sup>24</sup>Supra

<sup>25</sup>(2004) 11 NWLR (pt. 884) 439

Similarly in *Ugwu v State*<sup>26</sup> about 9 pm on the 26/05/2021, some men with guns invaded the official residence of Mr. Christopher Ogbonna, the Chief Security Officer of the University of Nigeria at Elias Avenue, University of Nigeria Nsukka Campus. The armed robbers held Mrs. Ogbonna, wife of the deceased and her children hostage. They seized some of their properties including money. They raped two daughters of the deceased and killed Mr. Ogbonna and later escaped from the house. On the record and from the evidence available PW1 the son of the deceased testified that he had known the appellant a long time ago and had met him from time to time on several occasions and at several places before the incident in their house. Also, the evidence showed that the confrontation with the appellant by PW1 was prolonged and they were face-to-face in the full glare of electricity light before PW1 was ordered to put the light off. The Supreme Court held that given the circumstance of this case, there was no need for identification parade and if the one conducted was faulty; it should not affect the finding made at the court of first instance<sup>27</sup>.

### **5. Usefulness of Identification Parade**

Identification parade or lineup are valuable tool in criminal investigations and trials because they allow witnesses to identify a suspect from a group of similar-looking individuals, helping to establish the guilt or innocence of the defendant. They serve as a method to test a witness ability to identify a person they saw previously and they can help prevent mistaken identity<sup>28</sup>. It tests witness reliability to accurately identify a suspect. The process helps to reduce the risk of a mistake identity by presenting the witness with a group of individuals including the suspect who share the same physical characteristics. Identification parade also acts as corroborative evidence in strengthening the prosecution case especially when the evidence is weak or inconclusive<sup>29</sup>. Identification parade aids in catching the real perpetrator as it offers a good opportunity to catch the real perpetrator as the opportunity allows witnesses to identify the suspect. Identification parade can play a very crucial role at the investigation stage of a crime and the criminal trial itself. William Blackstone in his popular saying states that 'In the pursuit of justice, it is better that ten guilty person escape, than that one innocent person suffers'<sup>30</sup>. It is a truism that whenever a crime is committed, someone is responsible for the crime and that someone is the victim of the crime<sup>31</sup>. However, when an innocent person is convicted wrongly, there is a new victim of crime and this goes against the very essence of justice.

### **6. Conclusion**

The major role and need for identification parade was succinctly stated by the Nigerian Supreme Court in the case of *The State v Usman Shehu*<sup>32</sup> where the court opined that wherever and whenever none of the witnesses for the prosecution had the opportunity to identify the respondent at the time the crime took place, and the prosecution had not proved its case against the respondent beyond reasonable doubt that the issue of proper identity goes to the heart and essence of identification parade. In other words, the position of the law as regards identification evidence is clear through plethora of cases some of which are mentioned in this paper that where there is any evidence creating doubt at all as to the identity of suspect or suspects, identification evidence must be given in order to avoid any case of mistaken identity.

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<sup>26</sup>(2020) LPELR- 49375 (SC)

<sup>27</sup> Supra

<sup>28</sup> Agba, J. A., *Practical Approach to Criminal Litigation in Nigeria*, Renaissance Law Publishers Ltd. 3d edition. 2017

<sup>29</sup>Kumar, A. *Test Identification Parade an Evaluation through judicial Pronouncement, its Utility and veracity*.

<sup>30</sup>Blackstone, W. *Commentaries on the Laws of England*, in four Books. Chicago" Callaghan and Cockroft. 1871

<sup>31</sup>Ngwu, M. Identification parade under Nigerian Law. <https://courtsarena.com/identificatin-parade-under-Nigerian-Law>. Accessed 14/5/2025

<sup>32</sup>(2023-01) Legalpedia 00401 (CA)