

**UNIVERSITI TEKNOLOGI MARA**

**THE ADEQUACY OF THE INSPECTOR-GENERAL  
STANDING ORDERS (IGSO) IN REGULATING THE  
PROCEDURES OF AN IDENTIFICATION PARADE FOR  
EYEWITNESS IDENTIFICATION IN MALAYSIA**

**SITI ALINA BT MOHD ADIL NATKUNASINGHAM**

**MEL**

**June 2017**

## **Abstract**

This research attempts to provide insights on the adequacy of the Inspector-General Standing Orders (IGSO) in regulating the procedures of eyewitness identification parade in Malaysia. It is postulated that sole reliance on the IGSO guidelines has contributed to numerous unfair practices during the eyewitness identification parade in the Malaysian police departments. In assessing the adequacy of the IGSO in regulating eyewitness identification procedures, this paper reviews the laws on identification evidence in the United Kingdom for comparative analysis. Based on analysis of the law, semi-structured interviews and subsequent data analysis, the research concludes that the IGSO remains inadequate in governing the procedures of identification parade in the Malaysian police departments. Among prevalent issues are i) lack in manpower; and ii) time constraint among police officers, resulting in varying practices. Comparisons made with the United Kingdom's Code D of PACE Act 1984 also found loopholes in Malaysia's Part D226 guidelines in the IGSO, which necessitates an evaluation on the stated provisions. Further, the IGSO should be made publicly available, with the empowerment of the IGSO in police departments recommended. Stern actions should be taken on police officers who disregard the procedures. The procedures should also be considered to be inserted into the attachments of the Criminal Procedure Code (Act 593) which holds most of the directions in law enforcement. Upgrading police facilities is highly recommended, while police officers should be given intensive training on the subject. A designated Identification Officer for each police department is also advised to optimize manpower.

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# CHAPTER 1

## 1.1. Introduction

“John Doe has never committed a crime in his life before”. The criminal justice literature on eyewitness identification is replete with cases of misidentification and the grave consequences of wrongful convictions. This research aims to highlight the issues that manifest in procedures governed by the Malaysian Inspector – General Standing Orders (IGSO) relating to eyewitness identification parades. Adequacy of the safeguards in police procedures are also evaluated, as to its sufficiency in restoring justice and protection offered to the defendants in cases involving eyewitness identification and the recommendations to improve eyewitness identification procedures in Malaysia. While much of our understanding on this topic is derived from empirical information obtained from countries with more refined justice systems, similar lessons are applicable and should be considered in Malaysia.

This chapter will shape the scope of this research, broadly touching upon identification evidence before narrowing into eyewitness identification and the relevant procedures for identification parades. It will shine some light on the research methodology employed and some of the limitations faced in the course of research. The chapter will further emphasise the significance of the research, in view of the dearth of literature from local sources on this topic. Lastly, this chapter will glean from literature some of the more salient conceptual, legal and theoretical issues to be considered in subsequent chapters.

## 1.2. Research Background

In general, identification is the process of recognizing or identifying something. For our purpose, identification is a crucial process for establishing the identity of a perpetrator in a criminal case. There are many ways in obtaining identification evidence. Identification by fingerprints is relevant to note the similarity or dissimilarity between a person’s fingerprints and fingerprints found at the scene of a crime, to produce evidence for convictions and to aid in discovering a person’s