



What is ADVOKATE?

- Amount of time
- Distance
- Visibility
- Obstruction
- Known to the witness
- Any reason for remembering
- Time
- Errors

In detail

- **A** - Amount or length of time the witness had the suspect under observation
- **D** - Distance between the witness and the suspect during the observation
- **V** - Visibility conditions during the observation
- **O** - Obstructions to the observations - whether they temporarily or partially inhibited the observation
- **K** - Known or seen before. Whether the witness already knew the suspect before the sighting
- **A** - Any particular reason the witness has for remembering the suspect or event
- **T** - Time the witness had the suspect under observation for, and the amount of time elapsed since the event
- **E** - Errors in the description provided by the witness compared to the actual appearance

Why ADVOKATE?

A mnemonic of points to consider when taking a witness statement. Not all will apply to every statement, but they should all be considered.

R v Turnbull

In R v Turnbull, the Court of Appeal set out guidelines for judges in trials involving disputed identification evidence.

Judges should warn the jury of the need for caution when relying on identification, and examine the circumstances in which an identification by a witness can be made.

The judge should tell the jury:

- caution is required to avoid the risk of injustice;
- a witness who is honest may be wrong even if they are convinced they are right;
- a witness who is convincing may still be wrong;
- more than one witness may be wrong;
- a witness who recognises the defendant, even when the witness knows the defendant very well, may be wrong.