

STAND. COM. REP. NO.

1035

Honolulu, Hawaii
APR 01 2011

RE: S.C.R. No. 149
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and
Military Affairs, to which was referred S.C.R. No. 149 entitled:

"SENATE CONCURRENT RESOLUTION ENCOURAGING THE STATE ATTORNEY
GENERAL AND STATE AND COUNTY LAW ENFORCEMENT AGENCIES TO
CONSIDER BETTER EYEWITNESS IDENTIFICATION PROCEDURES,"

begs leave to report as follows:

The purpose and intent of this measure is to encourage:

- (1) The State Attorney General and various state and county
law enforcement agencies to adopt new eyewitness
identification procedures to decrease the rate of
erroneous eyewitness identifications; and
- (2) Criminal investigations to be conducted by state law
enforcement agencies in accordance with the newest and
best practices available for eyewitness identification.

Your Committee received testimony in support of this measure
from the Community Alliance on Prisons, The Drug Policy Forum of
Hawai'i, and four individuals.

Your Committee finds that recent studies have shown that
traditional eyewitness identification procedures may lead to
faulty eyewitness identifications. The National Institute of
Justice recommends the adoption of new policies and procedures
that are readily available and proven to be effective in other
jurisdictions. Studies have also shown that the criminal justice



system can significantly decrease the rate of erroneous eyewitness identifications by implementing modern identification procedures that would also increase the ability of police and prosecutors to convict the guilty and protect communities.

Testimony submitted by two third-year law students at the William S. Richardson School of Law indicates that based on classroom experiments, eyewitness identification is inherently extremely inaccurate. During the experiments, several students gave vastly different descriptions of the same purported classroom intruder after seeing that person only once, which is the typical situation in eyewitness identifications. One or more students did not sufficiently observe the intruder to give any description. Your Committee believes that eyewitness identification procedures need to be as fool proof as humanly possible, and preferably corroborated with other evidence.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 149, as amended herein, and recommends that it be referred to the Committee on Judiciary and Labor, in the form attached hereto as S.C.R. No. 149, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Government Operations, and
Military Affairs,



WILL ESPERO, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* SCR 149	Committee Referral: PGM, JSL	Date: 3-31-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.	/			
RYAN, Pohai	/			
SLOM, Sam				/
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes