
HOUSE CONCURRENT RESOLUTION

REQUESTING THE CONVENING OF A TASK FORCE TO STUDY AND MAKE
RECOMMENDATIONS REGARDING POLICIES AND PROCEDURES TO
IMPROVE THE ACCURACY OF EYEWITNESS IDENTIFICATIONS.

1 WHEREAS, mistaken eyewitness identification has been shown
2 to have contributed to the wrongful conviction in approximately
3 seventy-five percent of the nation's exonerations; and
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5 WHEREAS, over the past thirty years, a large body of peer-
6 reviewed, scientific research and practice have emerged showing
7 that simple systemic changes in administering eyewitness
8 identification procedures can greatly improve the accuracy of
9 those identifications; and
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11 WHEREAS, policies and procedures to improve the accuracy of
12 eyewitness identifications, such as those recommended by the
13 U.S. National Institute of Justice, the American Bar
14 Association, the New Jersey Office of the Attorney General, the
15 Wisconsin Office of the Attorney General, the California
16 Commission on the Fair Administration of Justice, the
17 International Association of Chiefs of Police, and the North
18 Carolina Actual Innocence Commission, are readily available; and
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20 WHEREAS, more accurate eyewitness identifications increase
21 the ability of police and prosecutors to convict the guilty and
22 protect the innocent; and
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24 WHEREAS, the integrity of Hawaii's criminal justice process
25 is enhanced by adherence to best practices in evidence
26 gathering; and
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28 WHEREAS, uniformity in practice and protocols among all
29 counties is important for consistency of justice; and
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31 WHEREAS, Hawaii will benefit from the improvement of the
32 accuracy of eyewitness identifications; and



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2 WHEREAS, best practices in cases where there are multiple
3 eyewitnesses include each eyewitness viewing photograph or live
4 lineups separately or sequentially; the suspect being placed in
5 a different position in the live lineup and/or photograph lineup
6 for each eyewitness; the eyewitnesses not being permitted to
7 communicate with each other until all identification procedures
8 have been completed; and the filing of confidence statements by
9 each eyewitness; now, therefore,

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11 BE IT RESOLVED by the House of Representatives of the
12 Twenty-seventh Legislature of the State of Hawaii, Regular
13 Session of 2013, the Senate concurring, that in order to prevent
14 the injustice of a wrongful conviction caused by mistaken
15 eyewitness identification; to improve lineup procedures during
16 criminal investigations; and to further improve the enforcement
17 of justice within Hawaii, this body requests the formation of a
18 task force to identify and recommend policies and procedures to
19 the Legislature to improve the accuracy of eyewitness
20 identifications; and

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22 BE IT FURTHER RESOLVED that the task force comprise the
23 following individuals or their designees:

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25 (1) Attorney General;
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27 (2) Public Defender;
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29 (3) All four county Chiefs of Police;
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31 (4) All four county prosecutors;
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33 (5) Chief Executive Officer of the Office of Hawaiian
34 Affairs;
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36 (6) A representative of the Hawaii Innocence Project;
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38 (7) Two representatives with expertise in the relevant
39 social sciences as demonstrated by teaching,
40 publication, and other scholarly applications, to be
41 appointed by the Senate President and one to be
42 appointed by the Speaker of the House of
43 Representatives; and
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1 (8) Executive Director of the Hawaii Civil Rights
2 Commission; and
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4 BE IT FURTHER RESOLVED that the task force submit a report
5 of its findings and recommendations, including any proposed
6 legislation, to the Legislature no later than twenty days prior
7 to the convening of the Regular Session of 2014; and
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9 BUT IT FURTHER RESOLVED that the task force cease to exist
10 on June 30, 2014; and
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12 BE IT FURTHER RESOLVED that certified copies of this
13 Concurrent Resolution be transmitted to the Attorney General;
14 Office of the Public Defender; Police Chiefs of the City and
15 County of Honolulu, County of Hawaii, County of Kauai, and
16 County of Maui; Prosecutors of the City and County of Honolulu,
17 County of Hawaii, County of Kauai, and County of Maui; Mayors of
18 the City and County of Honolulu, County of Hawaii, County of
19 Kauai, and County of Maui; Chief Executive Officer of the Office
20 of Hawaiian Affairs; Hawaii Innocence Project; Executive
21 Director of the Hawaii Civil Rights Commission; Chair of the
22 Senate Judiciary and Labor Committee; and Chair of the House
23 Judiciary Committee.
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OFFERED BY:

Kalene

T. Stahl

MAR 12 2013

