
HOUSE 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
4

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
10

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
19

20 WHEREAS, more accurate eyewitness identifications increase
21 the ability of police and prosecutors to convict the guilty and
22 protect the innocent; and
23

24 WHEREAS, the integrity of Hawaii's criminal justice process
25 is enhanced by adherence to best practices in evidence
26 gathering; and
27

28 WHEREAS, uniformity in practice and protocols among all
29 counties is important for consistency of justice; and
30

31 WHEREAS, Hawaii will benefit from the improvement of the
32 accuracy of eyewitness identifications; and
33

34 WHEREAS, best practices in cases where there are multiple
35 eyewitnesses include each eyewitness viewing photograph or live



1 lineups separately or sequentially; the suspect being placed in
2 a different position in the live lineup and/or photograph lineup
3 for each eyewitness; the eyewitnesses not being permitted to
4 communicate with each other until all identification procedures
5 have been completed; and the filing of confidence statements by
6 each eyewitness; now, therefore,
7

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

19 BE IT FURTHER RESOLVED that the task force comprise the
20 following individuals or their designees:
21

- 22 (1) Attorney General;
- 23
- 24 (2) Public Defender;
- 25
- 26 (3) All four county Chiefs of Police;
- 27
- 28 (4) All four county prosecutors;
- 29
- 30 (5) Chief Executive Officer of the Office of Hawaiian
31 Affairs;
- 32
- 33 (6) A representative of the Hawaii Innocence Project;
- 34
- 35 (7) Two representatives with expertise in the relevant
36 social sciences as demonstrated by teaching,
37 publication, and other scholarly applications, to be
38 appointed by the Senate President and one to be
39 appointed by the Speaker of the House of
40 Representatives; and
41
- 42 (8) Executive Director of the Hawaii Civil Rights
43 Commission; and
44



1 BE IT FURTHER RESOLVED that the task force submit a report
2 of its findings and recommendations, including any proposed
3 legislation, to the Legislature no later than twenty days prior
4 to the convening of the Regular Session of 2014; and
5

6 BUT IT FURTHER RESOLVED that the task force cease to exist
7 on June 30, 2014; and
8

9 BE IT FURTHER RESOLVED that certified copies of this
10 Resolution be transmitted to the Attorney General; Office of the
11 Public Defender; Police Chiefs of the City and County of
12 Honolulu, County of Hawaii, County of Kauai, and County of Maui;
13 Prosecutors of the City and County of Honolulu, County of
14 Hawaii, County of Kauai, and County of Maui; Mayors of the City
15 and County of Honolulu, County of Hawaii, County of Kauai, and
16 County of Maui; Chief Executive Officer of the Office of
17 Hawaiian Affairs; Hawaii Innocence Project; Executive Director
18 of the Hawaii Civil Rights Commission; Chair of the Senate
19 Judiciary and Labor Committee; and Chair of the House Judiciary
20 Committee.
21
22
23

OFFERED BY:

Kal Aburto

BT

MAR 12 2013

