

MAR 08 2013

SENATE 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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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 Senate of the Twenty-seventh
9 Legislature of the State of Hawaii, Regular Session of 2013,
10 that in order to prevent the injustice of a wrongful conviction
11 caused by mistaken eyewitness identification; to improve lineup
12 procedures during criminal investigations; and to further
13 improve the enforcement of justice within Hawaii, this body
14 requests the formation of a task force to identify and recommend
15 policies and procedures to the Legislature to improve the
16 accuracy of eyewitness identifications; and
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18 BE IT FURTHER RESOLVED that the task force comprise the
19 following individuals or their designees:
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- 21 (1) Attorney General;
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- 23 (2) Public Defender;
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- 25 (3) All four county Chiefs of Police;
- 26
- 27 (4) All four county prosecutors;
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- 29 (5) Chief Executive Officer of the Office of Hawaiian
30 Affairs;
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- 32 (6) A representative of the Hawaii Innocence Project;
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- 34 (7) Two representatives with expertise in the relevant
35 social sciences as demonstrated by teaching,
36 publication, and other scholarly applications, to be
37 appointed by the Senate President and one to be
38 appointed by the Speaker of the House of
39 Representatives; and
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- 41 (8) Executive Director of the Hawaii Civil Rights
42 Commission; and
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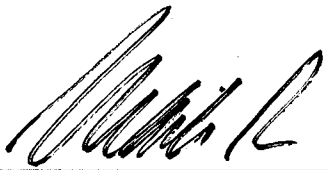
1 BE IT FURTHER RESOLVED that the task force submit a report
 2 of its findings and recommendations, including any proposed
 3 legislation, to the Legislature no later than twenty days prior
 4 to the convening of the Regular Session of 2014; and

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

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 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.

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OFFERED BY:



 Clarence K. Waihehewa
 Asist. of Leg
