

Honolulu, Hawaii  
April 1, 2014

RE: H.C.R. No. 192  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.C.R. No. 192 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO ESTABLISH STATEWIDE PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS FOR EYEWITNESS IDENTIFICATION AND INTERROGATION OF SUSPECTS IN CRIMINAL INVESTIGATIONS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Convene a task force to establish statewide procedural and administrative requirements for eyewitness identification and interrogation of suspects in criminal investigations;
- (2) Designate the chair and members of the task force;
- (3) Establish that the eyewitness identification procedures recommended by the task force include requirements for live lineups, photo lineups, and showups;
- (4) Establish that the procedural and administrative requirements recommended by the task force for eyewitness identification include use of blind administrative of lineups, specific instructions to eyewitnesses, ensuring that non-suspects match the description of the perpetrator, taking confidence statements from the person viewing a lineup in the person's own



words, and identifying the means by which an eyewitness identification procedure is recorded or documented;

(5) Establish that the procedural and administrative requirements recommended by the task force for interrogation include administering Miranda warnings, identifying the cases in which electronic recording is appropriate, ensuring that the statements be electronically recorded, and properly documenting statements and confessions;

(6) Establish that the task force consider whether existing legal framework for evaluating eyewitness and confession evidence is consistent with generally accepted social science research and practice;

(7) Establish that the task force offer guidance on how Hawaii courts can most effectively combat unnecessarily suggestive eyewitness identification procedures or unrecorded custodial interrogations to minimize the risk of a wrongful conviction;

(8) Establish that the task force work with law enforcement officials in developing training programs for law enforcement relative to eyewitness identification procedures;

(9) Establish that the task force submit a report of its findings to the Legislature no later than 20 days prior to the convening of the Regular Session of 2015; and

(10) Provide that certificate copies of this resolution be transmitted to the parties named in the resolution.

The Community Alliance on Prisons, Hawaii Innocence Project, and many concerned individuals submitted testimony in support of this measure.

The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kauai, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, Maui Police Department, Kauai Police Department submitted testimony in opposition to this measure.

The Judiciary and one concerned individual submitted testimony commenting on this measure.



Your Committee notes that the Honolulu Police Department submitted oral testimony that all of the procedural and administrative requirements for eyewitness identification and interrogation of suspects in criminal investigations proposed in the original version of this measure are currently being implemented.

Your Committee has amended this measure by:

(1) Modifying the title to reflect the amended intent of the measure;

(2) Removing the provisions relating to the establishment of a task force;

(3) Removing the provisions relating to the procedural and administrative requirements to be studied and recommended by the task force;

(4) Removing the provisions relating to the obligations of the task force;

(5) Inserting language strongly encouraging the county police departments to continue taking affirmative steps towards implementing those best practices identified in model policies and procedures to improve the accuracy of eyewitness identifications and confession evidence;

(6) Inserting language commending the county police departments for the affirmative steps they have taken towards implementing those best practices identified in model policies and procedures to improve the accuracy of eyewitness identifications and confession evidence;

(7) Providing that copies of the resolution be sent to the county police chiefs and prosecuting attorneys; and

(8) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 192, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 192, H.D. 1.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

---

KARL RHOADS, Chair



