

# LAW, JUSTICE, AND ETHICS

## Resolution LJE-17-43

### **A RESOLUTION IMPROVING THE ACCURACY OF EYEWITNESS IDENTIFICATION**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) finds that the goal of a police investigation is to apprehend the person or persons responsible for the commission of a crime;

WHEREAS, mistaken eyewitness identification has been shown to have contributed to the wrongful conviction in approximately 75 percent of the nation's exonerations;

WHEREAS, over the past 30 years, a large body of peer-reviewed, scientific research and practice has emerged showing that simple systemic changes in administering eyewitness identification procedures can greatly improve the accuracy of those identifications;

WHEREAS, policies and procedures to improve the accuracy of eyewitness identifications such as those recommended by the U.S. National Institute of Justice, the American Bar Association, the New Jersey Office of the Attorney General, the Wisconsin Office of the Attorney General, the California Commission on the Fair Administration of Justice, and the North Carolina Actual Innocence Commission are readily available;

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

WHEREAS, the integrity of the criminal justice process is enhanced by adherence to best practices in evidence gathering; and

WHEREAS, the nation will benefit from the improvement of the accuracy of eyewitness identifications and their outcomes.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) calls on law enforcement agencies nationwide to adopt detailed, written policies regarding citizen identification of persons during criminal investigations;

BE IT FURTHER RESOLVED, the agencies must collaborate with the county or district attorney to adopt written policies regarding eyewitness procedures and make such policies available to all agency officers;

BE IT FURTHER RESOLVED, the policies must include identification of the procedures the agency should employ when asking a citizen to identify a person during a criminal investigation;

BE IT FURTHER RESOLVED, that these procedures should include the use of blind and blinded procedures, instructions to the witness regarding the perpetrator's presence, use of non-suspect fillers who do not make the suspect stand out, and eliciting a confidence statement regarding the level of certainty in the selection; and

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## Resolution LJE-17-36

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives, the United States Senate, and other federal and state government officials as appropriate.

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SPONSOR: Senator David Haley (KS)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President