



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF CHIEF STATE'S ATTORNEY CHRISTOPHER L. MORANO

IN OPPOSITION TO:

**S.B. NO. 595 (RAISED) AN ACT CONCERNING
EYEWITNESS IDENTIFICATION PROCEDURES**

**JOINT COMMITTEE ON JUDICIARY
MARCH 13, 2006**

The Division of Criminal Justice strongly opposes this bill for the simple reason that it is not needed. The central issue raised in this legislation has been addressed through the voluntary actions of the criminal justice system itself. That being said, the only reason the bill could possibly be here today is that its proponents are really not trying to do what they would lead you to believe.

If we take the bill on its face, however, the only conclusion we can reach is that it is in legal terms a moot issue. The concerns that the bill purportedly seeks to address have been fully resolved through actions taken by the Chief State's Attorney's Law Enforcement Council adopting a uniform, statewide policy on eyewitness identifications. Attached to this testimony is a letter that was sent to all police departments as well as two forms to be utilized in this process. In addition, the new policy is being taught at both the Police Office Standards and Training Council (POST) Municipal Police Academy and the Connecticut State Police Academy.

This statewide policy is the result of careful examination of the practices and procedures involved and thorough deliberations by the law enforcement community. I commend the law enforcement community for its voluntary self-examination and reaffirmation of its commitment to best practices and the pursuit of justice.

This leads us to the conclusion that this bill is not about improving police practices, but rather an attempt to do an end-run around the law as clearly stated by the courts. In particular, we believe this is an attempt to undermine the rulings of the Connecticut Supreme Court in *State v. Ledbetter*, 275 Conn. 534 (2005) and the Connecticut Appellate Court in *State v. Nunez*, 93 Conn. App. 818 (2006).

The Division of Criminal Justice strongly urges the Committee to recognize the efforts of the law enforcement community and to see this bill for what it really is. We would respectfully request that you reject S.B. No. 595.