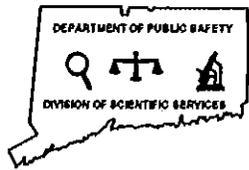


STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

John A. Danaher III
Commissioner

Lieutenant Edwin S. Henlon
Chief of Staff

March 10, 2010

Rep. Michael P. Lawlor, Co-Chairman
Sen. Andrew J. McDonald, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

HB 5273 AN ACT CONCERNING EYEWITNESS IDENTIFICATION

The Department of Public Safety comments on bill.

Many of the statutory changes proposed by this bill have already been put in place by the Department of Public Safety in response to the Connecticut Supreme Court's September 19, 2005 decision in State v. Ledbetter, 275 Conn. 534. Included among these changes is that the officer conducting the eyewitness identification now gives, as standard procedure, a warning that the perpetrator may or may not be present.

There are two changes in this bill that are not part of the agency's current procedure. The first change would require having a lineup administrator who does not know the identity of the suspect. The lead case officer would still put the lineup together in accordance with department policy. Within our major crime unit the majority if not all detectives are well aware of major case investigations. This change would involve bringing an unfamiliar trooper in to present and document the outcome of the lineup. This would divert agency resources from other needed areas and would appear unnecessary in view of the fact that the officer administering the lineup is directed to avoid words, gestures or expressions that could influence the witness' selection. If possible, especially during a photo array, the officer takes a position where the witness cannot see him.

The second possible change involves how the lineup will be presented to the eyewitness. The bill would require that persons in the lineup be presented sequentially, not simultaneously, except if the lineup administrator knows which person in the lineup is suspected as the perpetrator, the lineup would be presented simultaneously. Currently the agency uses eight (8) window photo boards and shows the lineup simultaneously.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Danaher III". The signature is fluid and cursive, with a large loop at the beginning and end.

John A. Danaher III
COMMISSIONER