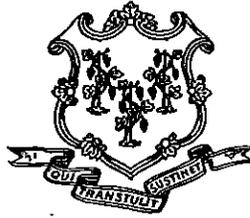


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Good Afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. I am here to testify in support of HB 5501, AN ACT CONCERNING EYEWITNESS IDENTIFICATION PROCEDURES.

It is no secret that eyewitness identification is a conundrum of the criminal justice system. It is prone to stunning inaccuracy, but it is also perhaps the most compelling testimony in a courtroom. Last year I was honored to work with Justice Borden and this committee on passage of PA 11-252 which requires that municipal police departments and the Department of Public Safety adopt certain procedures regarding photo line up and live line up eyewitness identification. These procedures include that when possible, the person conducting the identification procedure should not know who in the line-up or photographs is the suspected offender, and that the fillers in the line-up generally fit the description of the suspected offender.

The Act also created a 19-member Eyewitness Identification Task Force to study eyewitness identification in criminal investigations and submit a report on best practices including those regarding the use of sequential live and photo lineups. The Task Force, inspired by Justice Borden, is composed of a diverse mix of persons with differing

professional responsibilities within our criminal justice system and a full spectrum of professional perspectives as well as academic scholarship was represented on the Task Force. The Task Force included the Co-Chairs and Ranking Members of the Judiciary Committee; a retired judge; representatives of the Offices of the Chief State's Attorney and Chief Public Defender; representatives of state and local police departments; legal scholars; social scientists; the State Victim advocate; a representative of the Connecticut Innocence Project; representatives of the public; and representatives of the Bar. It has examined the science of conducting sequential lineups, the use of sequential lineups in other states, the practical implications of state law requiring sequential lineups, and many other related topics. The Task Force recently submitted its report on best practices and the legislation before you reflects the work done by this impressive Task Force. Passing HB 5501 would represent another improvement in the accuracy of our judicial system by further addressing the notorious paradox of eyewitness identification.

This bill adopts many of the recommendations of the Task Force. It requires that the Police Officers Standards and Training Council, and the Division of the State Police collaborate to create uniform mandatory policies with appropriate guidelines based on best practices. The bill further requires that these best practices be followed by all municipal and state law enforcement agencies. It requires that every basic or review training program for police officers provide training to the officers in the administration of this eyewitness identification procedure. Among the mandatory requirements for these best practices are that eyewitness identification line ups be sequential and double blind. A detailed written record of each eyewitness identification is also required. In

addition, this legislation would allow the Eyewitness Identification Task Force to assist POST and the Division of the State Police in developing the policies and guidelines. The Task Force will also monitor the implementation of this law and recommend proposed legislation related to this issue. I would ask that you also consider implementing the recommendation for a pilot program for videotaping the double blind sequential procedures. This would prove additional useful information that could be used in future policies and guidelines. Thank you for raising this important legislation.