

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 947 Session of
2005

INTRODUCED BY FERLO, OCTOBER 24, 2005

REFERRED TO JUDICIARY, OCTOBER 24, 2005

AN ACT

1 Establishing grant programs to provide funding for pilot field
2 programs to improve the accuracy of eyewitness
3 identifications.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Legislative intent.

7 Because the goal of a police investigation is to apprehend
8 the person or persons responsible for committing a crime,
9 because studies of eyewitness identification procedures indicate
10 that the criminal justice system can significantly decrease the
11 rate of erroneous eyewitness identifications by implementing
12 changes to identification procedures, because decreased
13 erroneous eyewitness identifications increase the ability of
14 police and prosecutors to convict the guilty, protect our
15 communities and because new policies and procedures such as
16 those recommended by the National Institute of Justice are
17 readily available and have proven effective in other
18 jurisdictions, the General Assembly finds that it is useful to

1 conduct pilot field studies of these recommendations to test
2 their effectiveness and practicability.

3 Section 2. Definitions.

4 The following words and phrases when used in this act shall
5 have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Blind." Administration of a lineup or photo spread where
8 the person who conducts the lineup does not know which person in
9 the lineup is the suspect.

10 "Investigator." The person conducting the live or photo
11 lineup.

12 "Sequential lineup." Photo and live lineup procedures where
13 the witness views only one member of the lineup at a time.

14 Section 3. Establishment of pilot programs.

15 (a) Attorney General.--The Attorney General shall establish
16 a grant program to provide funding for pilot field studies of
17 the effectiveness of eyewitness identification policies and
18 procedures.

19 (b) Pilot programs.--Pilot programs will be granted funding
20 from the Attorney General for at least one pilot program in each
21 of the following police departments:

22 (1) A police district within a police department in a
23 municipality whose population is at least 500,000 residents.

24 (2) A police department in a municipality whose
25 population is at least 100,000 residents but less than
26 500,000 residents.

27 (3) A police department in a municipality whose
28 population is more than 50,000 residents but less than
29 100,000 residents.

30 (4) A police department in a municipality whose

1 population is less than 50,000 residents.

2 Section 4. Training in pilot jurisdictions.

3 The Attorney General shall provide at least one day of
4 training for the jurisdictions participating in the pilot
5 programs.

6 Section 5. Funding levels.

7 (a) Appropriations.--The sum of \$80,000 shall be
8 appropriated to the Attorney General to provide grants of up to
9 \$20,000 to each police department selected to field test and
10 report on eyewitness identification procedures. The disbursed
11 funds will be used for training, instruction, implementation and
12 evaluation.

13 (b) Additional appropriations.--The sum of \$7,500 shall be
14 appropriated to the Attorney General for providing training in
15 eyewitness identification procedures for the pilot program.

16 (c) Training.--This training shall include, but not be
17 limited to:

18 (1) An overview of relevant contemporary studies of
19 eyewitness identification procedures and experiences with the
20 recommended procedures in other jurisdictions.

21 (2) Instructions for administering the procedures
22 recommended by the National Institute of Justice.

23 (3) Recommendations for police department training.

24 (4) Additional sources of information on the science,
25 training and experiences with the recommended procedures.

26 (5) Suggested evaluation procedures of the field
27 studies, based in part on experiences in other jurisdictions
28 which have evaluated their eyewitness identification
29 procedures.

30 (d) Special training.--For jurisdictions assessing the use

1 of sequential lineups, this training shall also include
2 procedures for administering and evaluating sequential lineups.
3 Section 6. Procedures to be studied.

4 (a) Pilot program studies.--The pilot program studies shall
5 include procedures for the use of blind administration of live
6 and photo lineups and the instructions recommended to accompany
7 them, including procedures where:

8 (1) The investigator does not know who among the members
9 of the live or photo lineup is the suspect.

10 (2) Each live or photo lineup includes not less than
11 four individuals who resemble the description of the suspect
12 in all significant respects.

13 (3) No live or photo lineup contains more than one
14 suspect.

15 (4) Prior to the lineup, the investigator provides
16 instructions to the witness to ensure the witness understands
17 that the purpose of the identification procedure is to
18 exculpate the innocent as well as to identify the actual
19 perpetrator.

20 (5) The person conducting the live or photo lineup asks
21 witnesses to use their own words to describe their confidence
22 levels and refrain from providing any confirmatory
23 information until after those initial confidence levels have
24 been recorded.

25 (b) Additional requirements.--One or more of these studies
26 shall also include policies and procedures for administering
27 sequential lineups.

28 Section 7. Report on the pilot program studies.

29 The Attorney General shall collect reports from each of the
30 participating police departments regarding their findings of the

1 effectiveness and practicability of the studied procedures and
2 shall file a report of the findings with the Governor, the Chief
3 Justice of Pennsylvania, the President pro tempore of the Senate
4 and the Speaker of the House of Representatives no later than
5 November 30, 2007.

6 Section 8. Effective date.

7 This act shall take effect in 60 days.