



Senate of Pennsylvania

Senator Jim Ferlo

38th Senatorial District

MEMO

Date: *January 6, 2011*
To: *All Senators*
From: *Senator Jim Ferlo*
Subject: *Co-sponsorship of legislation to address wrongful convictions*

In the near future, I will re-introduce Senate Bills 447, 448, and 449 from the previous session. These three pieces of legislation would amend Title 42 to make certain provisions for wrongful convictions and imprisonment and address procedures intended to improve the accuracy of eyewitness identifications.

The horrific experience of Mr. Thomas Doswell, a constituent from my district, who spent much of his two sons' childhoods in prison for a crime he did not commit, has brought into stark relief our need to revisit the issue of wrongful imprisonment. Unfortunately, Mr. Doswell's nearly 20 years behind bars as an innocent man is not a unique situation in our Commonwealth. Surprisingly, to me, quite a few prisoners in Pennsylvania's system of justice have been able to concretely prove their innocence after being convicted and incarcerated. I believe it is time that we offer real reforms to ensure that our justice system is not only swift and efficient but more accurate and fair as well.

The three pieces of legislation will address the following:

- ***Mistaken Eyewitness ID*** – Statistics indicate that three-quarters of

the individuals exonerated in the US through DNA testing were wrongfully convicted by mistaken eyewitness identification. Minor changes in the administration of eyewitness identification procedures, endorsed by the US Department of Justice, the American Bar Association, and other states, show drastic improvements in the accuracy of those identifications. The changes include using a "blind" administrator, a person who does not know which individual in the lineup is the suspect; providing instructions to the eyewitness that the administrator does not know who the suspect is or if the suspect is even in the lineup; and using a sequential lineup, as opposed to a simultaneous lineup, so that the eyewitness can make a more accurate judgment on the suspect's image.

In the previous session this was Senate Bill 447 and was co-sponsored by Senators Kitchen, Washington, Williams, O'Pake, Stack, Stout, Costa and Fontana.

- **Funding Pilot Programs for Eyewitness ID Accuracy Improvement** –New policies and procedures such as those recommended by the National Institute of Justice are readily available and have proven effective in other jurisdictions, so it is imperative that adequate funding be made available to train officers and implement the procedures in line with any changes required by above legislation.

In the previous session this was Senate Bill 448 and was co-sponsored by Senators O'Pake, Washington, Williams, Wonderling, Stout, Costa, Kitchen, Stack and Fontana.

- **Compensation for the wrongfully convicted** – When we convict the innocent, we wrongfully deny these people their lives, their families, and their futures. The federal government and 27 other states have statutes which allow the wrongfully convicted to receive compensation in various amounts. This legislation will propose compensation comparable to that provided in other states.

In the previous session this was Senate Bill 449 and was co-sponsored by Senators Stout, Williams, Washington, Kitchen, Stack and Fontana.

If you would like to co-sponsor this legislation please e-mail Gianna Veno at gveno@pasenate.com or call 787-6123.