

2011 -- H 5090

LC00280

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND APPREHENSION OF
CRIMINALS

Introduced By: Representatives Ajello, Mattiello, Newberry, JP O`Neill, and Walsh

Date Introduced: January 20, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-1-16 of the General Laws in Chapter 12-1 entitled
2 "Identification and Apprehension of Criminals" is hereby amended to read as follows:

3 **12-1-16. Improvement of lineup procedures task force.** -- (a) In order to: (1) Prevent
4 the injustice of a wrongful conviction caused by mistaken eyewitness identification; (2) Improve
5 lineup procedures during criminal investigations; and (3) Further improve the already high quality
6 of criminal justice in our state, the general assembly creates a taskforce to identify and
7 recommend policies and procedures to improve the accuracy of eyewitness identifications.

8 (b) The task force shall be comprised of the following or their designees:

9 (1) Attorney general;

10 (2) Public defender;

11 (3) Superintendent of the Rhode Island state police;

12 (4) President of the Rhode Island police chiefs' association;

13 (5) Head of the municipal police training academy;

14 (6) President of the Rhode Island bar association;

15 (7) President of the Rhode Island association of criminal defense lawyers;

16 (8) A representative from a Rhode Island university with expertise in the relevant social
17 sciences as demonstrated by teaching, publication and other scholarly applications; and

18 (9) Executive director of the Rhode Island commission for Human Rights.

1 (c) The task force, in consultation with eyewitness identification practitioners and
2 experts, shall develop guidelines for policies, procedures and training with respect to the
3 collection and handling of eyewitness evidence in criminal investigations by law enforcement
4 agencies in Rhode Island. The purpose of the guidelines is to provide law enforcement agencies
5 with information regarding policies and procedures proven to increase the accuracy of the crime
6 investigation process, thus also reducing the possibility of wrongful convictions.

7 (d) Guidelines for policies, procedures and training that may be considered and
8 recommended by the task force include, but are not limited to:

9 (1) Use of blind administration of lineups;

10 (2) Specific instructions to be given to the eyewitness before and during the lineup to
11 increase the accuracy of any identification, including that the purpose of the identification
12 procedure is to exculpate the innocent as well as to identify the actual perpetrator;

13 (3) Number and selection of fillers to be in lineups;

14 (4) Use of sequential lineups versus nonsequential lineups;

15 (5) Inclusion of only one suspect in any lineup;

16 (6) Value of refraining from providing any confirmatory information to the eyewitness;

17 (7) Standards and protocols to be used in the administration and conduct of an
18 identification procedure;

19 (8) Training, if any, should be made available to law enforcement personnel in the use of
20 these procedures; and

21 (9) Taking a confidence statement from the person viewing the lineup.

22 (e) The task force shall submit a report on the guidelines developed and
23 recommendations concerning their use. Minority reports may also be issued. These reports shall
24 be presented to the governor, the chief justice of the Rhode Island supreme court, the speaker of
25 the house of representatives, the president of the senate, and the chairpersons of the judiciary
26 committees of both the house of representatives and the senate no later than January 1, 2011. ~~The~~
27 ~~task force shall terminate on the date that it submits its report.~~ The task force shall meet
28 periodically thereafter in order to assess the impact of the recommendations made in the report; to
29 conduct further research in the area of eyewitness identification; to specifically assess the use of
30 sequential and simultaneous lineups by Rhode Island law enforcement agencies; and to consider
31 whether, in light of that experience, the use of sequential lineups should be recommended as a
32 “best practice.” Said meetings shall be called by agreement of the attorney general and public
33 defender. A supplemental report from the task force shall be delivered in the same manner as its
34 initial report and not later than April 30, 2012.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would extend the life of the task force on improvement of lineup procedures.
- 2 This act would take effect upon passage.

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