
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 946 Session of
2005

INTRODUCED BY FERLO, OCTOBER 24, 2005

REFERRED TO JUDICIARY, OCTOBER 24, 2005

AN ACT

1 Establishing a task force to recommend procedures and practices
2 to improve the accuracy of eyewitness identifications.

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

5 Section 1. Legislative intent.

6 Because the goal of a police investigation is to apprehend
7 the person or persons responsible for committing a crime,
8 because studies of eyewitness identification procedures indicate
9 that the criminal justice system can significantly decrease the
10 rate of erroneous eyewitness identifications by implementing
11 changes to identification procedures, because decreased
12 erroneous eyewitness identifications increase the ability of
13 police and prosecutors to convict the guilty and protect our
14 communities and because new policies and procedures such as
15 those recommended by the National Institute of Justice are
16 readily available and have proven effective in other
17 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 a
8 person who conducts the lineup does not know which person in the
9 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. Task force.

15 (a) Development of guidelines.--The Attorney General, in
16 consultation with the Governor or his designee, shall develop
17 guidelines for policies, procedures and training with respect to
18 the collection and handling of eyewitness evidence in criminal
19 investigations by law enforcement agencies. The purpose of the
20 guidelines is to provide law enforcement agencies with
21 information regarding policies and procedures intended to
22 increase the accuracy of the crime investigation process, thus
23 reducing the possibility of erroneous convictions without
24 meaningfully reducing the incidence of correct convictions.

25 (b) Requirements.--The guidelines shall include procedures
26 for the blind administration of live and photo lineups and
27 instructions that will increase the accuracy of eyewitness
28 identifications. The guidelines shall include recommendations
29 regarding:

30 (1) The use of blind administration of live or photo

1 lineups.

2 (2) Specific instructions to be given to the witness
3 before and during the identification procedure to increase
4 the accuracy of any identification, including that the
5 purpose of the identification procedure is to exculpate the
6 innocent as well as to identify the actual perpetrator.

7 (3) The inclusion of not less than five individuals in
8 any live or photo lineup who resemble the description of the
9 suspect in all significant respects.

10 (4) The use of sequential lineups.

11 (5) The inclusion of only one suspect in any live or
12 photo lineup.

13 (6) The investigator seeking eyewitness reports of
14 confidence levels in their own words and refraining from
15 providing any confirmatory information until after those
16 initial confidence levels have been recorded.

17 (7) The photographing or other visual recording of the
18 lineup.

19 (8) What training, if any, should be made available for
20 law enforcement personnel in the use of these procedures.

21 Section 4. Reporting.

22 Not later than November 30, 2006, the Attorney General shall
23 submit a report on the guidelines developed and recommendations
24 concerning their use to the Governor, the Chief Justice of
25 Pennsylvania and the members of the General Assembly.

26 Section 5. Effective date.

27 This act shall take effect in 60 days.