



General Assembly

February Session, 2006

**Raised Bill No. 595**

LCO No. 2804



Referred to Committee on

**JUDICIARY**

Introduced by:

(JUD)

**AN ACT CONCERNING EYEWITNESS IDENTIFICATION PROCEDURES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (Effective October 1, 2006) (a) For the purposes of  
2 this section:
- 3 (1) "Eyewitness" means a person whose identification of another  
4 person may be relevant in a criminal proceeding;
- 5 (2) "Photographic lineup" means a procedure in which an array of  
6 photographs is displayed to an eyewitness for the purpose of  
7 determining if the eyewitness is able to identify the perpetrator of a  
8 crime;
- 9 (3) "Live lineup" means a procedure in which a group of persons is  
10 displayed to an eyewitness for the purpose of determining if the  
11 eyewitness is able to identify the perpetrator of a crime;
- 12 (4) "Lineup" means a photographic lineup or live lineup; and
- 13 (5) "Lineup administrator" means the person who conducts a lineup.

(b) Any lineup conducted by a municipal police department or the Division of State Police within the Department of Public Safety shall meet the following requirements:

(1) The lineup administrator shall be a person who does not know which person in the lineup is suspected as the perpetrator;

(2) Prior to a lineup, the eyewitness shall be instructed that (A) the perpetrator might or might not be presented in the lineup, and (B) the lineup administrator does not know which person is suspected as the perpetrator; and

(3) Persons in the lineup shall be presented sequentially, not simultaneously, except that if, for any reason, the lineup administrator knows which person in the lineup is suspected as the perpetrator, the lineup shall be presented simultaneously, not sequentially.

(c) The municipal police department or the Division of State Police within the Department of Public Safety shall make a written record of any lineup that such department or said department conducts that shall include the following:

(1) The date, time and location of the lineup;

(2) The names of every person present at the lineup;

(3) The words used by the eyewitness in any identification including words that describe the certainty of the eyewitness in the identification;

(4) Whether it was a photographic lineup or live lineup;

(5) The number of photographs or persons that were presented in the lineup;

(6) Whether the lineup administrator knew which person in the lineup was suspected as the perpetrator;

41 (7) Whether prior to the lineup the eyewitness was instructed that  
 42 the perpetrator might or might not be presented in the lineup and that  
 43 the lineup administrator did not know which person was suspected as  
 44 the perpetrator;

45 (8) Whether the lineup was sequential or simultaneous; and

46 (9) The signature of the eyewitness.

47 (d) Failure to comply with the requirements of subsections (b) and  
 48 (c) of this section shall be considered by the court in adjudicating  
 49 motions to suppress eyewitness identification.

50 (e) Failure to comply with the requirements of subsections (b) and  
 51 (c) of this section shall be admissible in support of a claim of  
 52 eyewitness misidentification provided such evidence is otherwise  
 53 admissible.

54 (f) If evidence of noncompliance with the requirements of  
 55 subsections (b) and (c) of this section has been presented at trial, the  
 56 jury shall be instructed that it may consider credible evidence of such  
 57 noncompliance to determine the reliability of eyewitness identification.

58 Sec. 2. (NEW) (*Effective October 1, 2006*) Each police basic training  
 59 program conducted or administered by the Division of State Police  
 60 within the Department of Public Safety, the Police Officer Standards  
 61 and Training Council established under section 7-294b of the general  
 62 statutes or municipal police department in the state shall include a  
 63 course on eyewitness identification procedures and the requirements  
 64 for conducting a lineup as provided in section 1 of this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	New section
Sec. 2	October 1, 2006	New section

**Statement of Purpose:**

To improve the reliability of eyewitness identification by establishing procedures for conducting a police lineup including having a lineup administrator who does not know the identity of the suspect, informing the eyewitness that the perpetrator might not be in the lineup and presenting the lineup members sequentially rather than simultaneously.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*



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# State of Connecticut

## SENATE

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January 04, 2006

TO: Senator Andrew McDonald, Co-Chair Judiciary Committee  
Representative Michael Lawlor, Co-Chair Judiciary Committee

FROM: Martin Looney

RE: Electronic Recording of Interrogations and Eyewitness Identification

① - ? Public Def bill  
② Yes

I would like to again express my support for the recording of custodial interrogations. As you know, this procedure protects both the police and the suspects in the interrogation process. I have enclosed a brief fact sheet which summarizes the benefits of recorded interrogation.

Secondly, I am also interested in improving the reliability of eyewitness identification. Mistaken eyewitness identification leads to a significant number of erroneous accusations and convictions. The policy summary that I have enclosed outlines some sensible reforms that would lower the number of mistaken identifications. Among these proposals are using an impartial lineup administrator who does not know which member of the lineup is the suspect, telling the witness that the suspect might or might not be in the lineup, and using sequential rather than simultaneous presentation. I believe that these changes would improve the accuracy of our criminal justice system.

I hope and request that the Judiciary Committee will raise bills in the 2006 session to deal with these issues.

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