



Eyewitness misidentification is the single greatest contributing cause of wrongful convictions established by DNA nationwide, playing a role in 71% of convictions overturned through DNA testing.

## National Symposium on Eyewitness Identification Reform

**June 27 - 29, 2016**

**at Yale Law School**

# National and State Speakers

## National

Attorney Matt Alsdorf, Vice President of Criminal Justice,  
Laura and John Arnold Foundation

Senator Charles Bethel, Georgia General Assembly

Attorney Ryan Brackley, First Assistant District Attorney,  
20th Judicial District, Boulder, Colorado

Chief William Brooks, Executive Board Member of the  
International Association of Chiefs of Police (IACP);  
Member of National Academy of Sciences Eyewitness  
Identification Panel; Chief of Police, Norwood Police  
Department, Massachusetts

Rebecca Brown, Director of Policy, Innocence Project

Dr. Jennifer Dysart, Ph.D., Associate Professor of  
Psychology, John Jay College of Criminal Justice

Chief Justice Ralph Gants, Supreme Judicial Court,  
Massachusetts

Chief Michael Gauldin, Chief of Police (retired),  
Burlington, North Carolina

Captain Francis Healy, Advisor to the Police Commissioner,  
Philadelphia Police Department, Pennsylvania

Attorney Michael N. Herring, Commonwealth's Attorney,  
Richmond, Virginia

Dennis Maher, a Massachusetts exonoree who was  
misidentified and wrongfully incarcerated for 19 years

Attorney Karen Newirth, Senior Staff Attorney,  
Strategic Litigation Department, Innocence Project

Chief Justice Stuart J. Rabner, Supreme Court, New Jersey

Attorney Barry Scheck, Co-Director, Innocence Project

Major Michael Smathers, Charlotte Mecklenburg Police  
Department, North Carolina

Chief Richard Smith, Vice President at Large, International  
Association of Chiefs of Police (IACP); Chief of Police,  
Wakefield Police Department, Massachusetts

Jennifer Thompson, Founder and President of  
Healing Justice, Inc. and co-author of "Picking  
Cotton: Our Memoir of Injustice and Redemption"

Justice Martha Walters, Supreme Court, Oregon

Attorney Joanna Weiss, Director of Criminal Justice,  
Laura and John Arnold Foundation

Gary Wells, Distinguished Professor and the Stavish Chair  
in the Social Sciences, Iowa State University

## State

Justice David Borden, Appellate Court and Chair of the  
Connecticut Eyewitness Identification Task Force

Attorney Richard Colangelo, State's Attorney,  
Stamford, Connecticut

Senator Eric Coleman, Deputy President Pro Tempore,  
State Senate, Connecticut

Deirdre M. Daly, United States Attorney, District of  
Connecticut

Attorney Kevin Kane, Chief State's Attorney, Connecticut

Michael Lawlor, Under Secretary for Criminal Justice  
Policy and Planning, State of Connecticut

Senator Martin Looney, President Pro Tempore,  
State Senate, Connecticut

Chief Duane Lovello, Darien Police Department,  
Connecticut

Major Patrick J. O'Hara, Commanding Officer, Eastern  
District Headquarters, Connecticut State Police  
Former Commandant, Connecticut State Police  
Training Academy

Justice Richard Palmer, Supreme Court, Connecticut

Ron Schack, Ph.D., Director, The Charter Oak Group, LLC

Attorney Susan Storey, Chief Public Defender,  
Connecticut

Deborah Del Prete Sullivan, Legal Counsel, Office of the  
Chief Public Defender, Connecticut

Senator Gary Winfield, Assistant Majority Leader,  
State Senate, Connecticut



# National Symposium on Eyewitness Identification Reform

## Core Elements

**The Impact of Misidentification:** Guest speakers will explore the tragic human costs of wrongful conviction; participants will hear from a detective involved in a wrongful conviction case predicated on misidentification, a crime victim who misidentified her perpetrator, and a wrongfully convicted person.

**The Science of Misidentification:** National experts who specialize in eyewitness identification will educate participants about the latest research in this area. Psychologists will explain how memory works and how memory is easily contaminated in the criminal justice setting. They will also describe the science behind the recommended modifications to police practice.

**Evidence-based Police Practices:** Law enforcement leaders from large metropolitan areas and small towns will describe: how they implemented best practices in their respective jurisdictions; the mechanisms they used to consider and implement changes; and how the new practices have been working from a practical perspective.

**The Bench and the Bar:** Leaders from the Judiciary and the Bar will discuss the latest trends in eyewitness identification cases, highlighting recent court decisions.

**Approaches to Adoption and Implementation:** Representatives from leading jurisdictions will describe a variety of models for the successful adoption and implementation of evidence-based practices, including: inter-agency collaboration; legislation; the Judiciary; and voluntary adoption models. Approaches to law enforcement training will also be addressed.

**Emerging Issues:** Examples of emerging areas of interest will be explored and will include, but are not limited to: videotaping; composites; show-ups; and, dispatcher training.

### The Tool Kit will contain:

- Connecticut Task Force on Eyewitness Identification Reform — Statewide Report, Model Policies, Procedures and Practices and Enabling Legislation
- Court Cases
- Law Enforcement Training Videos
- Law Enforcement Training Curriculum
- Model Legislation from other Jurisdictions
- Model Policies and Practices from other Jurisdictions
- Related Studies

#### Guidelines for an Effective Show-Up:

- A show-up should be conducted shortly after the commission of the crime or the witness' observation of the suspect. A person should only be detained when the officer has reasonable suspicion to believe the person could be a suspect.
- Barring special circumstances, the witness should be transported to the suspect's location for a show-up, attempt to hear radio transmissions, and avoid conversations related to the suspect.
- A suspect should only be viewable to the witness if the witness is present and hearing of the presence and hearing of the witness should not be allowed.
- Minimize suggestiveness. Unless the suspect is seated in the rear of the enclosure associated with the handcuffed, he should be turned so that he is not visible to the witness.
- Do not tell the witness when the suspect said anything whether the suspect was involved in the crime.
- Once a witness has positively identified a suspect in a show-up, do not conduct additional show-ups.
- If the witness fails to make an identification, and a probable cause is not immediately developed, the witness should be released.

#### Officer's Field Card Witness Instructions for Show-Up Identifications

##### Instructions to be Read Aloud to the Witness:

1. You are going to be asked to view some people (even if only one person is shown).
2. The person you saw may or may not be among the people you are about to view.
3. It is just as important to clear innocent persons from suspicion as it is to identify the guilty.
4. Regardless of whether you identify someone, we will continue to investigate the incident.
5. If you identify someone, I will ask you to state, in your own words, how certain you are.
6. If you do select someone, please do not ask us questions about the person you have selected, because we cannot share that information with you at this time.
7. Regardless of whether you select a person, please do not discuss the procedure with any other witnesses in the case or the media.
8. Do you have any questions before we begin?

# Symposium Agenda

## Monday Evening

**5:30 p.m. – 7:30 p.m.**

Informal Reception at The Study at Yale hotel

## Tuesday Morning

**8:00 a.m. – 8:30 a.m.**

Continental Breakfast

**8:30 a.m. – 8:45 a.m.**

### Welcoming Address

Deirdre M. Daly, United States Attorney,  
District of Connecticut

**8:45 a.m. – 9:15 a.m.**

### Overview and Importance of Eyewitness Reform

Connecticut Supreme Court Justice Richard Palmer and a panel of select Connecticut Eyewitness Identification Task Force members (police, prosecution, defense, judiciary) will discuss the importance and impact of eyewitness identification reform from their professional perspectives.

**9:15 a.m. – 10:15 a.m.**

### KEYNOTE ADDRESS

#### The Impact of Wrongful Conviction

Jennifer Thompson, Founder and President of Healing Justice, Inc. and co-author of “Picking Cotton: Our Memoir of Injustice and Redemption”, (co-authored by Ronald Cotton).

**10:15 a.m. – 10:30 a.m.**

Break/Snack

**10:30 a.m. – 11:45 a.m.**

### The Science of Misidentification

This interactive session will include a prominent psychologist and researcher who specialize in eyewitness misidentification and a leading law enforcement expert on the same. Issues to be explored include how memory works, how memory is easily contaminated in a criminal justice setting, and the science behind the recommended modifications to police practice.

#### *Moderator:*

Attorney Matt Alsdorf, Vice President of Criminal Justice, Laura and John Arnold Foundation

#### *Panelists:*

Chief William Brooks, Executive Board Member of the International Association of Chiefs of Police (IACP); Member of National Academy of Sciences Eyewitness Identification Panel; Chief of Police, Norwood Police Department, Massachusetts;  
Gary Wells, Distinguished Professor and the Stavish Chair in the Social Sciences, Iowa State University

**“The Connecticut Eyewitness Identification Task Force along with its sponsors and partners is honored to host the first national symposium on eyewitness identification reform and to have the opportunity to bring leaders throughout the country together to discuss the most recent advances in the field and most promising models for reform.”**

JUSTICE DAVID BORDEN

Chair, Connecticut Eyewitness Identification Task Force



## Tuesday Morning *(continued)*

**11:45 a.m. – 12:30 p.m.**

### **The Effect of Wrongful Conviction on Police, Prosecutors, Victims and Exonorees**

This session will feature the many faces of wrongful conviction, including: a police detective and prosecutor involved in wrongful conviction cases predicated on misidentification; a crime victim who misidentified her perpetrator; and a death row exonoree. The panelists will share how these cases have changed their professional and personal lives.

***Moderator:***

Chief William Brooks, Executive Board Member of the International Association of Chiefs of Police (IACP); Member of National Academy of Sciences Eyewitness Identification Panel; Chief of Police, Norwood Police Department, Massachusetts

***Panelists:***

Chief Michael Gauldin, Chief of Police (retired), Burlington, North Carolina;  
Attorney Michael N. Herring, Commonwealth's Attorney, Richmond, Virginia;  
Dennis Maher, a Massachusetts exonoree who was misidentified and wrongfully incarcerated for 19 years;  
Jennifer Thompson, Founder and President of Healing Justice, Inc. and co-author with Ronald Cotton of "Picking Cotton: Our Memoir of Injustice and Redemption"

## Tuesday Afternoon

**12:30 p.m. – 1:30 p.m.**

### **LUNCHEON AND KEYNOTE ADDRESS**

Chief Justice Ralph Gants, Supreme Judicial Court, Massachusetts

**1:30 p.m. – 2:30 p.m.**

### **Promising Policies and Practices: Police, Prosecution, Legislative and Defense Perspectives**

Representatives from leading jurisdictions will describe the variety of models currently being used in the successful adoption and implementation of evidence-based practices including: inter-agency collaboration, voluntary adoption models, legislation, and commissions/task forces.

***Moderator:*** Rebecca Brown, Policy Director, Innocence Project

***Panelists:***

Senator Charles Bethel, Georgia General Assembly;  
Ryan Brackley, First Assistant District Attorney, 20th Judicial District, Boulder, Colorado;  
Major Patrick J. O'Hara, Commanding Officer, Eastern District Headquarters, Connecticut State Police Former Commandant, Connecticut State Police Training Academy;  
Chief Michael Gauldin, Chief of Police (retired), Burlington, North Carolina;  
Deborah Del Prete Sullivan, Legal Counsel, Office of the Chief Public Defender, Connecticut

**2:30 p.m. – 2:45 p.m.**

Break/Snack

# Symposium Agenda

## Tuesday Afternoon *(continued)*

**2:45 p.m. – 4:00 p.m.**

### PLENARY SESSIONS

#### Effecting Reform through the Judiciary

This interactive session will focus on trends in the Judiciary related to eyewitness identification. Topics to be discussed include: Effective Gatekeeping of Eyewitness Identification Evidence; Expert Testimony; In-Court Identifications; Suppression of Identifications; Model Jury Instructions

*Moderators:*

Attorney Barry Scheck, Co-Director, Innocence Project;  
Attorney Karen Newirth, Senior Staff Attorney, Strategic Litigation Department, Innocence Project

*Panelists:*

Chief Justice Ralph Gants, Supreme Judicial Court, Massachusetts;  
Justice Richard Palmer, Supreme Court, Connecticut;  
Chief Justice Stuart J. Rabner, Supreme Court, New Jersey;  
Justice Martha Walters, Supreme Court, Oregon

#### Implementing Policies and Procedures in the Field

This interactive session will provide an opportunity for leaders in policing from large metropolitan areas, small towns and prosecutorial offices to discuss how best practices in their respective jurisdictions are being implemented.

*Moderator:*

Chief William Brooks, Executive Board Member of the International Association of Chiefs of Police (IACP); Member of National Academy of Sciences Eyewitness Identification Panel;  
Chief of Police, Norwood Police Department, Massachusetts

*Panelists:*

Attorney Richard Colangelo, State's Attorney, District of Stamford, Connecticut;  
Chief Duane Lovello, Chief of Police, Darien, Connecticut;  
Captain Francis Healy, Advisor to the Police Commissioner, Philadelphia Police Department, Pennsylvania;  
Major Michael Smathers, Charlotte Mecklenburg Police Department, North Carolina

**4:00 p.m. – 4:45 p.m.**

#### Strategies for the Adoption and Implementation of Reforms

Attendees will have the opportunity to caucus by professional affiliation or jurisdiction to discuss strategies for the adoption and implementation of reforms of greatest interest. Panelists from Symposium sessions will be in attendance to answer questions in their areas of expertise. Facilitators will be available to help guide planning and next steps.

**4:45 p.m. – 5:00 p.m.**

Wrap up and reminders.



## Wednesday Morning

### 8:00 a.m. – 8:30 a.m.

Continental Breakfast

### 8:30 a.m. – 8:45 a.m.

Welcome and Overview of the Morning

### 8:45 a.m. – 9:45 a.m.

#### Emerging Issues

Emerging issues in eyewitness identification reform will be presented and discussed. Among them are: law enforcement investigative procedures; recommendations for composites/sketches and/or show-up identifications; and dispatcher training.

#### *Moderator:*

Jennifer Dysart, Ph.D., Associate Professor of Psychology, John Jay College of Criminal Justice

#### *Panelists:*

Joanna Weiss, Director of Criminal Justice, Laura and John Arnold Foundation;

Attorney Barry Scheck, Co-Director, Innocence Project;

Ron Schack, Ph.D., Director, The Charter Oak Group, LLC;

Gary Wells, Distinguished Professor and the Stavish Chair in the Social Sciences, Iowa State University

### 9:45 a.m. – 10:00 a.m.

Break/Snack

### 10:00 a.m. – 11:00 a.m.

#### KEYNOTE ADDRESS

#### A Call to Action

Chief Richard Smith, Vice President at Large,  
International Association of Chiefs of Police (IACP);  
Chief of Police, Wakefield Police Department, Massachusetts

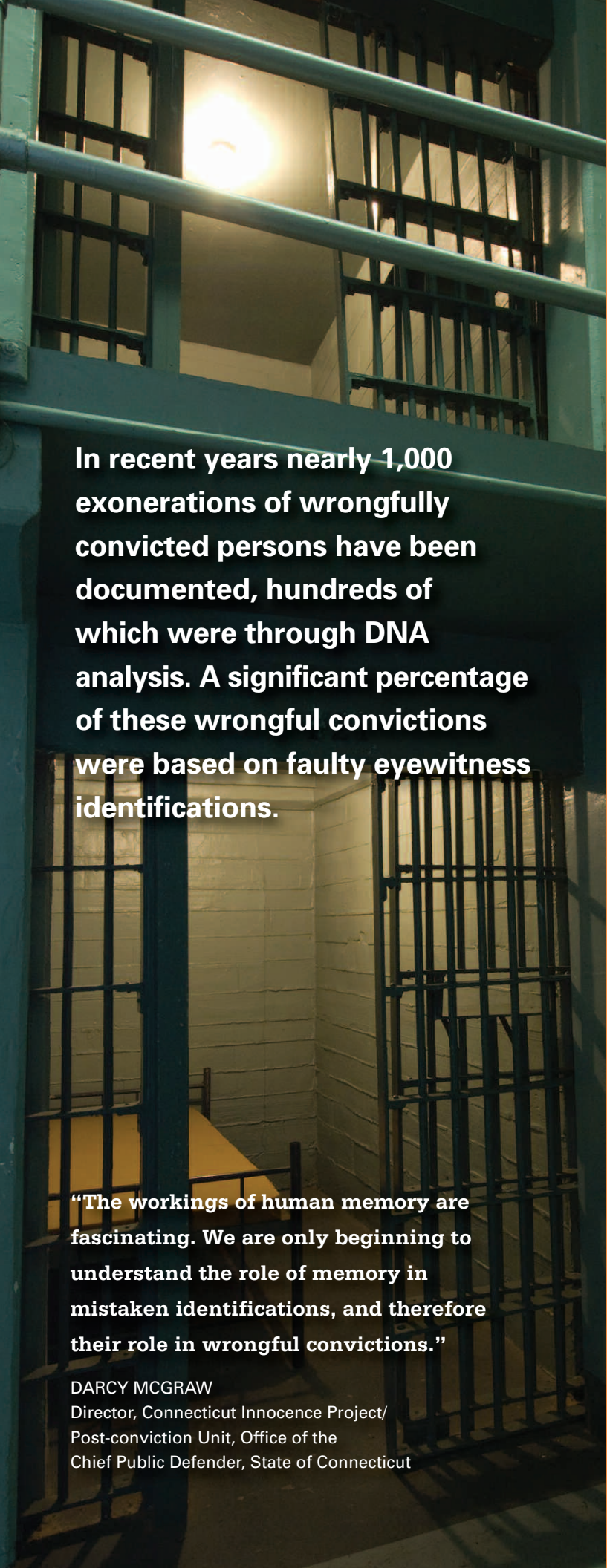
Evaluations, Distribution of Tool Kits, and Close

Distribution of Law Enforcement Training Report Form  
for advanced training credit awarded through  
the State of Connecticut Police Officer  
Standards and Training Council

**“Connecticut law enforcement is committed to continuously improving its approaches to public safety. When we studied the scientific basis to modify current police practice in eyewitness identification, law enforcement became the driving force for change in our state.”**

THOMAS E. FLAHERTY  
Executive Director POST  
(Police Officer Standards and Training Council)  
and former Chief of Police in Milford





**In recent years nearly 1,000 exonerations of wrongfully convicted persons have been documented, hundreds of which were through DNA analysis. A significant percentage of these wrongful convictions were based on faulty eyewitness identifications.**

**“The workings of human memory are fascinating. We are only beginning to understand the role of memory in mistaken identifications, and therefore their role in wrongful convictions.”**

DARCY MCGRAW  
Director, Connecticut Innocence Project/  
Post-conviction Unit, Office of the  
Chief Public Defender, State of Connecticut

**The National Symposium on Eyewitness Identification Reform is made possible with the generous support from:**

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Connecticut Police Chiefs Association  
Connecticut Psychological Association, Inc.  
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For further questions or information on the Eyewitness Identification Task Force please contact:

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Sherry Haller, *Executive Director*