

**House Judiciary Committee
March 17, 2016
Senate Bill 428**

**Testimony of
Kansas Association of Criminal Defense Lawyers
Proponent**

Dear Chairman Barker and Members of the Committee,

The Kansas Association of Criminal Defense Lawyers is a 350+ member organization dedicated to justice and due process for people accused of crimes. Our organization has supported legislative efforts over the years to increase the reliability of eyewitness identifications. We support SB 428.

According to the Innocence Project, **eyewitness misidentification is the single greatest cause of wrongful convictions nationwide, playing a role in 72% of convictions overturned through DNA testing.**¹ Information about this issue is available on Innocence Project's website at <http://www.innocenceproject.org/understand/Eyewitness-Misidentification.php>.

"Misidentifications don't only threaten the innocent, they also derail investigations. While police focus on finding evidence against an innocent person, the perpetrator can get away."² Innocence Project has helped reform policy around this issue in several states, including New Jersey, Wisconsin, North Carolina and Massachusetts. Information about reform measures can be found here: <http://www.innocenceproject.org/causes-wrongful-conviction/the-science-behind-eyewitness-identification-reform>.

While SB 428 does not establish a uniform, statewide policy, it does require all departments to have a policy concerning eyewitness identification. The policy is required to have the current best practices. We ask the Committee to support SB 428.

Thank you for your consideration,

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¹ <http://www.innocenceproject.org/causes-wrongful-conviction>

² In the hearing last week on HB 2593, we learned that the real perpetrators (who were on the loose while someone else was locked up for their crime) went on to commit at least 46 violent crimes, including 11 murders and 24 rapes.