



THE MISSOURI BAR

THE MISSOURI BAR CENTER
326 MONROE ST.
POST OFFICE BOX 119
JEFFERSON CITY, MISSOURI 65102
573/635-4128
FAX: 573/635-2811
E-MAIL: MOBAR@MOBAR.ORG
WEB SITE: [HTTP://WWW.MOBAR.ORG](http://www.mobar.org)

DATE: April 28, 2009
TO: Representative Mike Talboy
FROM: The Missouri Bar
RE: House Bill 589

Recently, The Missouri Bar Executive Committee met to review legislation. The Executive Committee consists of the officers of the bar and three additional members annually elected by the Board of Governors. The members of this year's committee are Thomas M. Burke, President; H.A. "Skip" Walther, President-Elect; John S. Johnston, Vice-President; Charlie J. Harris, Jr., Immediate Past-President; Carol Chazen Friedman; Patrick B. Starke; and Deanna K. Scott. The committee has authority to act on behalf of the Board of Governors during the legislative session. In reviewing legislation, the Executive Committee considers comments received from various Missouri Bar legislative review subcommittees. All positions taken by the Executive Committee are communicated to the full Board as soon as possible after they are taken.

Recently, The Missouri Bar Executive Committee reviewed House Bill 589, which requires any criminal justice entity that conducts eyewitness identification procedures to adopt written policies for using an eyewitness to identify a suspect. The Committee found this bill to be within the legislative scope of The Missouri Bar. The committee voted to support the concept of safeguards in eyewitness identification procedures.

The following comments from bar members are provided for your consideration:

"This bill is not perfect, but it is a big step in the right direction. Mistaken eyewitness identification is a major factor in convicting the innocent, and the procedures mandated by this bill would help reduce the occurrence of mistaken identification." *Charles Rogers*

"Big problem is with the short time-frame for submitting policy and the biennial review. That will not be a problem for the bigger police department but could be a problem for the smaller departments. I could also quibble a little bit at the list of things to be considered when a broad statement of best practices would suffice." *Name undisclosed*

"We know that misidentification is a leading cause of innocent people ending up in prison. This bill is a good first step and hopefully will lead to mandatory procedures known to reduce suggestive practices that make misidentification more likely." *Nancy McKerrow*

"Everyday, more and more inmates, who were misidentified, are being discharged from prison after lengthy terms of imprisonment based on DNA testing results. This legislation could only reduce the likelihood of the misidentification of innocent individuals and for that reason, I'm in favor of it." *Name undisclosed*