

CHAPTER 3

FEDERAL INVESTIGATIONS

THE ISSUE

In order to engender public confidence in the criminal justice system, it is imperative that the best possible evidence be available at trial, and that the procedures and practices used to obtain that evidence are designed to provide the most accurate results possible. A number of reforms could be employed on the federal level to enable more reliable investigations, curb wrongful convictions, and accurately identify the perpetrators of crime. The implementation of these reforms could be accomplished through legislation, executive order, or changes to agency policies and procedures.

The continuing improvement of existing federal investigatory procedure will not only serve to aid federal investigations, but will also provide a strong example to state and local jurisdictions which are also constantly seeking to improve their own criminal justice systems. It is therefore critical that federal practices provide both direction and resources to help ensure accuracy in the criminal justice system, from the investigative phase through post-conviction proceedings.

HISTORY OF THE PROBLEM

Since 1989, DNA exonerations have worked to reveal disturbing fissures in our criminal justice system. The nation's 265 DNA exonerations have exposed an array of factors that lead to wrongful convictions.¹ The leading contributing factors to the wrongful convictions in those 265 cases – including eyewitness misidentification, false confessions, and incentivized informant testimony, and invalid or improper forensic evidence² – are present not just in “DNA” cases, but also in cases where DNA evidence is not probative. This is an important point to recognize, as criminalists estimate that probative DNA evidence is available in less than 10% of all serious criminal cases.³ As such, the improvement of investigative techniques promises to prevent miscarriages of justice not just in the small percentage of cases where DNA testing would potentially identify errors, but in all criminal cases.⁴

¹ The Innocence Project, <http://www.innocenceproject.org/know/> (last visited Jan. 19, 2011).

² *Id.*

³ *Department of Justice Oversight: Funding Forensic Sciences – DNA and Beyond: Hearing Before the S. Subcomm. on Admin. Oversight and the Courts, 108th Cong. (2003)* (statement of Michael M. Baden, M.D., Director of the Medicological Investigations Unit of the New York State Police) (“In less than 10 percent of murders the criminal leaves DNA evidence behind. About 5 percent of a crime lab’s workload involves DNA analysis.”); Kelly M. Pyrek, editor of *FORENSIC NURSE MAG.* (Sept. 2005) (quoting a chair of a consortium of four major crime laboratory associations: requests for DNA analysis is “only 5 percent of what comes in the door.”); Cara Garretson, *Cybercrime Conference Highlights RFID Security*, Mar. 6, 2007 (quoting Jim Christy, Director of the Future Explorations unit of the Department of Defense’s Cyber Crime Center: “Only about 1 percent of criminal cases introduce DNA evidence -- contrary to what typically is portrayed on television crime dramas -- because most of the time it’s not relevant”).

⁴ Unvalidated and improperly applied forensic science also numbers among the documented factors of wrongful convictions, contributing to approximately half of the nation’s 265 DNA exonerations. See generally, *Forensic Science Reform*, SMART ON CRIME (2011).

Across the country, states have acknowledged the importance of reforming investigative practices to improve the quality of the justice system, particularly those relating to eyewitness evidence. Under Attorney General Janet Reno, the National Institute of Justice (NIJ) convened a criminal justice system-wide Technical Working Group for Eyewitness Evidence, which closely studied the issue and developed recommendations.⁵ Since then, ten more years of peer-reviewed scientific research and jurisdictional practice has made the value of eyewitness identification reform even clearer. Ohio,⁶ North Carolina,⁷ New Jersey⁸ and West Virginia⁹ have all implemented at least some eyewitness identification reforms, with Georgia,¹⁰ Maryland,¹¹ Vermont¹² and Wisconsin¹³ also taking statewide action on the issue. In addition, cities across the nation such as Dallas, Texas¹⁴ and Denver, Colorado,¹⁵ as well as small jurisdictions such as Northampton, Massachusetts,¹⁶ have adopted and implemented such reforms. During her tenure as Hennepin County Attorney, Senator Amy Klobuchar (D-MN) instituted the entire eyewitness reform package; she also has been a public advocate of eyewitness reform, writing favorably about the practice in a law review article.¹⁷

Additionally, many jurisdictions have taken strides to update their policies on eyewitness identification and the use of line-ups, especially in response to the formal adoption of Standards 42.2.11 and 42.2.12 by the Commission on Accreditation for Law Enforcement Agencies, Inc., which require accredited bodies to have written policies regarding their administration of identification procedures.¹⁸

Critical reforms have also been undertaken in the area of custodial interrogations. Eleven states and the District of Columbia have passed legislation requiring the recording of custodial

⁵ These recommendations are formalized in National Institute of Justice manuals. See U.S. DEPT. OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, NAT'L INST. OF JUSTICE, EYEWITNESS EVIDENCE: A GUIDE FOR LAW ENFORCEMENT (1999), available at <http://www.ncjrs.gov/pdffiles1/nij/178240.pdf>; U.S. DEPT. OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, NAT'L INST. OF JUSTICE, EYEWITNESS EVIDENCE: A TRAINER'S MANUAL FOR LAW ENFORCEMENT (2003), available at <http://www.ncjrs.gov/nij/eyewitness/188678.pdf>.

⁶ OHIO REV. CODE ANN. § 2933.83 (2010).

⁷ N.C. GEN. STAT. § 15A-284.52 (2009).

⁸ Memorandum from John J. Farmer, Jr., N.J. Attorney General, on Attorney General Guidelines for Preparing and Conducting Photo and Live Lineup Identification Procedures (Apr. 18, 2001) available at <http://www.state.nj.us/lps/dcj/agguide/photoid.pdf>.

⁹ W. VA. CODE, § 62-1E-1, et seq. (West, Westlaw through 2010 2nd Extraordinary Sess.).

¹⁰ H.R. Res. 352, 149th Gen. Assem., Reg. Sess. (Ga. 2007).

¹¹ MD. CODE ANN. PUB. SAFETY § 3-506 (2005).

¹² Vt. Act No. 154 of 2010 (Adj. Sess.) § 238e.

¹³ WIS. STAT. ANN. § 175.50 (West, Westlaw through 2009 Act 406).

¹⁴ Dallas Police Department General Order 304.01 *Eyewitness Identification*.

¹⁵ DENVER POLICE DEPARTMENT, OPERATIONS MANUAL, LINE-UP PROCEDURE, § 104.44, available at <http://www.denvergov.org/Portals/326/documents/104.pdf>.

¹⁶ NORTHAMPTON ADMINISTRATION & OPERATIONS MANUAL, EYEWITNESS IDENTIFICATION PROCEDURE ch. 0-408.

¹⁷ Amy Klobuchar et al., *Improving Eyewitness Identifications: Hennepin County's Blind Sequential Lineup Pilot Project*, 4 CARDOZO PUB. L. POL'Y & ETHICS J. 381 (2006).

¹⁸ Commission on Accreditation for Law Enforcement Agencies, 5th Edition Change Notices (2010), available at: <http://www.iacllea.org/visitors/professionaldevelopment/accreditation/5thEditionChangeNotices.pdf>.

interrogations in at least some crime categories statewide, and seven state supreme courts have taken action to accomplish the same.¹⁹ In addition, over 750 jurisdictions nationwide, including large metropolitan areas such as Atlanta, Boston, Denver, Las Vegas, Louisville and San Francisco, regularly record police interrogations.²⁰ The Effective Law Enforcement Through Transparent Interrogations Act of 2007,²¹ introduced by Representative Keith Ellison (D-MN), would have required the electronic recording of custodial interrogations in federal criminal cases. A similar bill was introduced in the House in September 2010 by Representative Hank Johnson (D-GA).²² Further, the Uniform Law Commission recently approved a uniform law on the Electronic Recordation of Custodial Interrogations in order to spur needed reform.²³

Additionally, the use of “incentivized” informant testimony is being steadily recognized as dangerously unreliable in its present form. The state of Illinois was the first to officially recognize this, passing legislation that would regulate the use of incentivized informants, and thus enhance jurors’ ability to properly assess the credibility of such evidence.²⁴ The California Commission on the Fair Administration of Justice and the New York State Bar Association Task Force on Wrongful Convictions have also publicly recognized the need to reform this area of evidence, such as by requiring the electronic recording of the informant’s statements and holding pre-plea and pre-trial reliability/corroboration hearings.²⁵

Recognizing that invalid or improper forensic evidence leads to false convictions, 32 states and the District of Columbia have created legislation that compels the automatic preservation of biological evidence upon conviction.²⁶ The preservation of evidence is critical to preserving the possibility of exoneration for the innocent; none of the nation’s 265 DNA exonerations would have

¹⁹ 725 ILL. COMP. STAT. ANN. 5/103-2.1 (West, Westlaw through P.A. 96-1482 of the 2010 Reg. Sess.); ME. REV. STAT. ANN. tit. 25, § 2803-B (West, Westlaw through the 2009 2nd Reg. Sess. of the 124th Leg.); MD. CODE ANN., CRIM. PROC. § 2-402 (West, Westlaw through 2010 Reg. Sess. of Gen. Assem.); MO. ANN. STAT. § 590.700 (West, Westlaw through 2010 1st Extraordinary Sess. of the 95th Gen. Assem.); MONT. CODE ANN. § 46-4-401, et seq. (1999); NEB. REV. STAT. ANN. § 29-4501, et seq. (West, Westlaw through the 101st Leg. 2nd Reg. Sess. 2010); N.C. GEN. STAT. ANN. § 15A-211 (West, Westlaw through 2010 Sess.); OHIO REV. CODE ANN. § 2933.81 (West, Westlaw through 2010 File 58 of the 128th GA); OR. REV. STAT. ANN. § 133.400 (West, Westlaw through 2010 Spec. Sess.); WIS. STAT. ANN. § 972.115 (West, Westlaw through 2009 Act 406); D.C. Code § 5-116.01 (2005).

²⁰ H.R. 3027, 110th Cong. (2007), *available at* <http://www.gpo.gov/fdsys/pkg/BILLS-110hr3027ih/pdf/BILLS-110hr3027ih.pdf>.

²¹ H.R. 3027, 110th Cong. (2007).

²² H.R. 6245; 111th Cong. (2010).

²³ NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS, UNIFORM ELECTRONIC RECORDATION OF CUSTODIAL INTERROGATIONS ACT, *available at* <http://www.law.upenn.edu/bll/archives/ulc/erci/2010final.htm>.

²⁴ 725 ILL. COMP. STAT. ANN. 5/115-21 (West, Westlaw through P.A. 96-1482 of the 2010 Reg. Sess.)

²⁵ CALIFORNIA COMMISSION ON THE FAIR ADMINISTRATION OF JUSTICE, REPORT AND RECOMMENDATIONS REGARDING INFORMANT TESTIMONY, *available at* <http://www.ccfaj.org/documents/reports/jailhouse/official/Official%20Report.pdf>; NEW YORK STATE BAR ASSOCIATION, TASK FORCE ON WRONGFUL CONVICTIONS, FINAL REPORT (2009), at 114-20, *available at* <http://www.nysba.org/Content/ContentFolders/TaskForceonWrongfulConvictions/FinalWrongfulConvictionsReport.pdf>.

²⁶ Innocence Project, State Laws Requiring Preservation of Evidence, <http://www.innocenceproject.org/news/LawView4.php> (last visited Jan. 10, 2011)

been possible had the biological evidence not been available to test.²⁷ In the wake of a national series in the *Denver Post* on the failure to properly preserve evidence, Representative John Conyers (D-MI) and then-Senator Ken Salazar (D-CO) expressed interest in pushing this reform on the federal level.²⁸ Recognizing the need for federal direction to the states on proper evidence retention, the NIJ disbursed funds to the National Institute of Standards and Technology (NIST) to create a federal working group on the issue. In the summer of 2010, the NIST/NIJ Technical Working Group on Biological Evidence Preservation began its critical work towards identifying and recommending model legislation and best practices for the preservation of biological evidence.²⁹

These time-tested and scientifically supported reforms, bolstered by practitioner experience, should be implemented across the nation. Continued federal guidance through research, consensus, and practice will help states appreciate the value of these reforms. Prioritizing federal funding support for agencies adopting such reforms would promote the effectiveness of such guidance.

RECOMMENDATIONS

1. Eyewitness Identification Reform

A. *Eyewitness Misidentification is the Leading Factor of Wrongful Convictions*

Mistaken eyewitness identifications have contributed to approximately 75% of the 265 wrongful convictions in the United States overturned by post-conviction DNA evidence.³⁰ Inaccurate eyewitness identifications confound investigations from the earliest stages: critical time investigation is lost while police focus on building the case against a misidentified innocent person.

²⁷ Innocence Project, Preservation of Evidence (last visited Jan. 20, 2011), *available at*: http://www.innocenceproject.org/Content/Preservation_Of_Evidence.php.

²⁸ See Miles Moffiet, *Evidence: Case, Kin in Limbo*, DENVER POST, Sept. 24, 2007; Press Release, Office of Congresswoman Eddie Bernice Johnson, Congresswoman Eddie Bernice Johnson to hold panel discussions on wrongful incarcerations and DNA exonerations (July 17, 2008), *available at*: <http://gritsforbreakfast.blogspot.com/2008/07/conyers-in-dallas-for-panel-on-wrongful.html>.

²⁹ Interview with Rebecca Brown, Policy Advocate and Member of the NIST/NIJ Technical Working Group on Biological Evidence Preservation, Innocence Project in New York, N.Y. (Jan. 3, 2011).

³⁰ The Innocence Project, Eyewitness Misidentification, <http://www.innocenceproject.org/understand/Eyewitness-Misidentification.php> (last visited Jan. 20, 2011).

B. *Support Eyewitness Identification Reform Measures*

Legislative

Congress should pass legislation requiring federal law enforcement agencies to adopt and implement eyewitness identification procedures shown by reliable, scientifically-supported evidence to minimize the likelihood of misidentification.³¹ These measures include:

- The requirement that the identification procedure be administered by a blind investigator (i.e., an individual who does not know who the suspect is);
- The issuance of instructions to the witness (i.e. a series of statements provided by the administrator of the identification procedure to the witness that deter the witness from feeling compelled to make a selection);
- The requirement that a lineup be properly composed (i.e. suspect photographs should be selected that do not bring unreasonable attention to him or her; non-suspect photographs and/or live lineup members (fillers) should be selected based on their resemblance to the description provided by the witness – as opposed to their resemblance to the police suspect);
- The requirement that immediately after the eyewitness makes an identification, the witness provides a statement, in her or his own words, that articulates the level of confidence she or he has in the identification made; and
- The requirement that an identification procedure be properly documented (i.e. electronically recorded; photographs of lineup members preserved).

Executive

The President should issue an executive order requiring the promulgation of federal standards for federal law enforcement agencies – grounded in best practices and scientifically-supported research – with respect to eyewitness identification procedures. The issuance of such an order would also provide much-needed guidance to state law enforcement agencies. Specifically, the executive order should require the adoption and implementation of those eyewitness identification procedures that have been shown by reliable, scientifically-supported evidence to minimize the likelihood of misidentification.

³¹ See Stephen Saloom, *Improving Eyewitness Identification Procedures* (Commission on Accreditation for Law Enforcement Agencies, Inc., October 2009), available at: <http://www.calea.org/calea-update-magazine/issue-101/improving-eyewitness-identification-procedures>.

2. Records of Custodial Interrogations

A. *False Confessions Contribute to Wrongful Convictions*

False confessions are a more frequent occurrence than one might think; approximately 25 % of the nation's 265 wrongful convictions overturned by DNA evidence involved some form of a false confession or admission.³²

B. *Support the Mandatory Recordation of Custodial Interrogations*

Legislative

Congress should pass legislation that would require federal law enforcement agencies to electronically record all custodial interrogations during the time in which a reasonable person in the subject's position would consider himself to be in custody. Such legislation should render any un-taped confession inadmissible in court.

Executive

The President's executive order, mentioned above, should require the electronic recordation of all custodial interrogations during the time in which a reasonable person in the subject's position would consider him- or herself to be in custody. This is the most reliable way to create an objective record of what transpired during the course of the interrogation process.

3. Preservation of Biological Evidence

A. *The Preservation of Biological Evidence is Integral to the Discovery of Wrongful Convictions*

Preserved evidence can help solve closed cases – and exonerate the innocent. Had the evidence been destroyed, tainted, contaminated, mislabeled, or otherwise corrupted, the innocence of the nation's 265 exonerated individuals would never have come to light.

B. *Fund Measures that Support States' Preservation of Biological Evidence*

Legislative

In 2004, Congress passed the Innocence Protection Act as part of the larger Justice for All Act (JFAA).³³ The JFAA included an incentive to states to enable proper post-conviction DNA testing

³² Innocence Project, Understand the Causes: False Confessions, <http://www.innocenceproject.org/understand/False-Confessions.php> (last visited Jan. 10, 2011).

³³ Justice for All Act of 2004, Pub. L. No. 108-405 (codified in scattered sections of 18 U.S.C. and 42 U.S.C.).

by providing grants to states with proper policies and practices for the preservation of biological evidence and post-conviction DNA testing. Specifically, JFAA Section 413 awarded funds if states could demonstrate that they had certain procedures for preserving biological evidence and providing access to post-conviction DNA testing. The funds could be awarded in four areas:

- DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers;³⁴
- DNA Research and Development;³⁵
- DNA Identification of Missing Persons;³⁶ and
- Kirk Bloodsworth Post-Conviction DNA Testing Grant Program (Bloodsworth Program).³⁷

The Bloodsworth Program was the only grant program governed by the JFAA Section 413 innocence incentives that was actually funded in a manner consistent with JFAA intent. Currently, only 23 states meet Section 413 evidence preservation requirements. In order to encourage more states to comply, Congress should reauthorize the Section 413 requirement and appropriate the programs according to JFAA's original intent.

4. The Use of Incentivized Testimony

A. *The Use of Incentivized Testimony is a Demonstrated Cause of Wrongful Conviction*

A comprehensive study of the nation's first 200 exonerations proven through DNA testing concluded that 18% were wrongfully convicted, at least in part, on the basis of informant, jailhouse informant, or cooperating alleged co-perpetrator testimony.³⁸ Informant testimony is an undeniably valuable law enforcement tool, but it generally functions in service of only one side of the adversarial system and with little oversight.³⁹

³⁴ 42 U.S.C. 14136 (corresponds to the Justice for All Act of 2004, § 303).

³⁵ 42 U.S.C. 14136(b) (corresponds to the Justice for All Act of 2004, § 305).

³⁶ 42 U.S.C. 14136(d) (corresponds to the Justice for All Act of 2004, § 308).

³⁷ 42 U.S.C. 14136(e) (corresponds to the Justice for All Act of 2004, § 412).

³⁸ Innocence Project, *Understand the Causes: Informants / Snitches*, <http://www.innocenceproject.org/understand/Snitches-Informants.php> (last visited Jan. 10. 2011).

³⁹ *See generally*, ALEXANDRA NAPATOFF, *SNITCHING: CRIMINAL INFORMANTS AND THE EROSION OF AMERICAN JUSTICE* (NYU Press 2009).

B. *Regulate the Use of Incentivized Testimony*

Legislative

Congress should pass legislation that includes provisions that regulate the use of incentivized informants by:

- Requiring pre-plea and pre-trial hearings that assess reliability and corroborate the content of informant testimony in all cases where informant testimony is intended for use at trial or in connection with a plea agreement;
- Requiring that accomplice testimony be corroborated by non-accomplice testimony and/or evidence — both in the grand jury and at trial — before it can be deemed legally sufficient to establish either probable cause or guilt beyond a reasonable doubt;
- Approving jury instructions that seek both to educate jurors about the long-established fallibility of informant testimony and the specific factors that may have influenced the testimony in the particular case at hand;
- Requiring that the FBI produce FD-209 forms (regarding contacts with informants) pursuant to discovery; and
- Establishing a uniform system of state and federal informant registries, through which law enforcement officers would maintain information about informants, as well as a national informant registry.

Executive

The President's executive order should regulate the use of incentivized informants by implementing the procedures listed above.

5. **Crime Scene Comparisons to CODIS and IAFIS**

A. *Crime Scene Comparisons can Exculpate the Innocent and Inculpate the Guilty*

In 119 of the nation's 265 DNA exonerations, the real perpetrator was subsequently identified, many times through the use of the Combined DNA Index System (CODIS).⁴⁰ In many

⁴⁰ Interview with Dr. Emily West, Research Director, Innocence Project in New York, N.Y. (Jan. 3, 2011). Among the first 255 exonerations, 94 real perpetrators have been identified (affecting 111 exonerees), among which nearly half were convicted of additional violent crimes. *Id.*

instances, the person subsequently identified as the real perpetrator committed additional crimes after committing the crime for which an innocent person was convicted.⁴¹

As a result, it would be in the interest of justice to compare specific crime scene evidence to CODIS or the Integrated Automated Fingerprint Identification System (IAFIS), the national DNA database system administered by the FBI. Sometimes prosecutors choose not to order such comparisons, and judges have refused to so order, believing that to do so would be beyond their judicial authority. As a result, the lack of a clear grant of authority entitling such comparisons can perpetuate the injustice of a wrongful conviction.⁴²

B. Compare Crime Scene Evidence to Federal Databases

Legislative

Congress should pass legislation to enable federal judges to order comparisons of crime scene DNA and fingerprint evidence to relevant databases.

Executive

The Executive Branch should clarify, through executive order or other policy guidance, that CODIS and IAFIS administrators should be responsive to judicial orders requesting comparisons of crime scene evidence to the CODIS and IAFIS databases.

⁴¹ The 44 real perpetrators who went on to commit additional violent crimes, including 61 sexual assaults, 21 murders and 9 other violent crimes. *Id.*

⁴² For example, Jeff Deskovic, an exoneree from New York, sought a comparison of crime scene evidence to the New York DNA database. It was only after a “hit” to the database that inculpated a convicted murderer that he was able to be exonerated. See Innocence Project, Know the Cases, Jeff Deskovic, http://www.innocenceproject.org/Content/Jeff_Deskovic.php (last visited Jan. 10, 2011).

APPENDICES

Experts

Barry Scheck, Co-Founder, Innocence Project
(<http://www.innocenceproject.org/about/Contact-Us.php>)

Peter Neufeld, Co-Founder, Innocence Project
(<http://www.innocenceproject.org/about/Contact-Us.php>)

Exonerees: many of the nation's 265 DNA exonerees will speak in support of and the need for these reforms (<http://www.ccfaj.org/m-JohnVanDeKamp.html>)

Eyewitness Identification

Chief Darrel Stephens (retired), Charlotte-Mecklenburg Police Department, North Carolina

Kenneth Patenaude, Detective Lieutenant, Northampton, Massachusetts

Gil Kerlikowske, former Police Chief of Seattle, Washington; current Director of the Office of National Drug Control Policy

Ret. Sgt. Paul Carroll, Chicago Police Department

Andrew Evans, Special Agent, Minnesota Bureau of Criminal Apprehension

Susan Gaertner, Former Ramsey County Attorney, Minnesota

Recording of Custodial Interrogations

Det. James Trainum (retired), Violent Crime Case Review Project, Violent Criminal Apprehension Program/ViCAP, Metropolitan Police Department/OSD

Preservation

Major Kevin Wittman (retired), Charlotte-Mecklenburg Police Department

Further Resources

AMERICAN BAR ASSOCIATION, CRIMINAL JUSTICE SECTION, AD HOC INNOCENCE COMMITTEE TO ENSURE THE INTEGRITY OF THE CRIMINAL PROCESS, *ACHIEVING JUSTICE: FREEING THE INNOCENT, CONVICTING THE GUILTY* (2006).

ALEXANDRA NAPATOFF, *SNITCHING: CRIMINAL INFORMANTS AND THE EROSION OF AMERICAN JUSTICE* (NYU Press 2009).

BARRY SCHECK, PETER NEUFELD & JIM DWYER, *ACTUAL INNOCENCE: WHEN JUSTICE GOES WRONG AND HOW TO MAKE IT RIGHT* (New American Library 2000).

Justice for All Act of 2004, Pub. L. No. 108-405 (codified in scattered sections of 18 U.S.C. and 42 U.S.C.) *available at* http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:h5107enr.txt.pdf.
Innocence Project, www.innocenceproject.org (last visited Jan. 10, 2011).

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U.S. DEPT. OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, NAT'L INST. OF JUSTICE, *EYEWITNESS EVIDENCE: A TRAINER'S MANUAL FOR LAW ENFORCEMENT* (2003), *available at* <http://www.ncjrs.gov/nij/eyewitness/188678.pdf>.

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