



## Legislation Text

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### Res. No. 979-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that provides safeguards against wrongful convictions by requiring law enforcement to implement evidence-based eyewitness identification procedures and recording of custodial interrogations.

By Council Members Gibson, Palma, Rodriguez, Chin, Lancman, Rose, Rosenthal, Richards, Cornegy, Lander, Torres, Wills, Salamanca, Levin, Menchaca and Cohen

Whereas, According to the Innocence Project, DNA evidence has helped prove the innocence of 337 wrongfully convicted people in the United States since 1989, including 29 in New York State and 11 in New York City; and

Whereas, Data also shows that these individuals spent an average of 14 years in prison for crimes they did not commit; and

Whereas, Eyewitness misidentification and false confessions are two of the leading contributing factors to wrongful convictions proven with DNA evidence, as reported by the National Registry of Exonerations; and

Whereas, According to the Innocence Project, of the 11 cases in New York City since 1989 in which the accused were eventually exonerated by DNA evidence, eyewitness misidentification was found in two cases to be an important contributor to the initial conviction; and

Whereas, In nine of these 11 cases, false confessions played a role, including the “Central Park Five” case, in which a group of five teenagers were wrongfully convicted of raping a jogger in Central Park; and

Whereas, Evidence-based identification procedures and recording of custodial interrogations safeguard against wrongful convictions stemming from witness misidentification and false confessions; and

Whereas, These procedures enhance the ability of law enforcement to identify the real perpetrators, thus

improving public trust and confidence in the criminal justice system; and

Whereas, In June 2015, the New York State Bar Association, the District Attorneys Association of the State of New York, and the Innocence Project reached a long-sought agreement on a process to require the recording of custodial interrogations in certain serious crimes and to allow the admissibility of photographic arrays when enhanced identification procedures are used; and

Whereas, The agreement builds upon statewide procedures already voluntarily adopted by law enforcement in some jurisdictions in the state; now, therefore, be it

Resolved, That the Council of The City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that provides safeguards against wrongful convictions by requiring law enforcement to implement evidence-based eyewitness identification procedures and recording of custodial interrogations.

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