

September 12, 2016

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P R E S S R E L E A S E

Chief Judge Theodore A. McKee of the United States Court of Appeals for the Third Circuit announces the formation of a Third Circuit Task Force on Eyewitness Identifications. This seventeen-person Task Force will be co-chaired by Chief Judge McKee and Judge Mitchell S. Goldberg of the District Court for the Eastern District of Pennsylvania. The Third Circuit covers all federal courts in Pennsylvania, New Jersey, Delaware, and the Virgin Islands.

The members appointed to the Task Force include representative judges from the Court of Appeals and each District Court in the Third Circuit. These judges are joined by several subject-matter experts on eyewitness identifications: James V. Wade, Federal Defender for the Middle District of Pennsylvania; Charles M. Oberly, III, United States Attorney for the District of Delaware; John J. Brosnan, Assistant Special Agent-in-Charge, FBI, Philadelphia Division; Robert Czepiel, Jr., Supervising Deputy Attorney

General for the State of New Jersey; Dr. Jennifer E. Dysart, Associate Professor of Psychology, John Jay College of Criminal Justice; and Professor Jules Epstein, Temple University Beasley School of Law. Chief Judge McKee's Order appointing the Task Force is available at: http://www.ca3.uscourts.gov/sites/ca3/files/TFEyewitnessIdOrder_11042016.pdf.

With leading advocates and scholars working closely with the judges, the Task Force will make recommendations regarding jury instructions, the use of expert testimony, and other procedures and policies to promote reliable practices for eyewitness identification and to deter unnecessarily suggestive identification procedures, which raise the risk of a wrongful conviction. The Task Force plans to study available research pertaining to best practices for criminal investigations and courtroom procedures, including protocols for obtaining identifications, expert testimony during trial, jury instructions, and any other area pertaining to eyewitness identifications and testimony that can minimize the risk of wrongful convictions.

Chief Judge McKee has set a nine-month time frame for the Task Force to complete its work and issue a Final Report and Recommendations. The Final Report is expected by June 9, 2017. The Recommendations are expected to touch upon a variety of subjects important to the accuracy of eyewitness identifications and minimizing the likelihood of wrongful convictions, including proposed jury instructions that are specific to the evaluation of eyewitness identification testimony, and the use of expert testimony to better inform jurors about eyewitness identification testimony.

Chief Judge McKee has expressed his gratitude to the members of the Task Force for their willingness to volunteer their time and expertise to this important undertaking.