

United States Courts for the Third Judicial Circuit

And now, this 9th day of September, 2016, it is **ORDERED** that the Third Circuit Task Force on Eyewitness Identifications is hereby established. The Task Force shall make recommendations regarding jury instructions, use of expert testimony, and other procedures and policies intended to promote reliable practices for eyewitness identification and to effectively deter unnecessarily suggestive identification procedures, which raise the risk of a wrongful conviction.

The Task Force shall be composed of the following members:

1. **Chief Judge Theodore A. McKee, Co-Chair** (Third Circuit Court of Appeals)
2. **Judge Mitchell S. Goldberg, Co-Chair** (Eastern District of Pennsylvania)
3. Judge D. Brooks Smith (Third Circuit Court of Appeals)
4. Judge Patty Shwartz (Third Circuit Court of Appeals)
5. Judge L. Felipe Restrepo (Third Circuit Court of Appeals)
6. Chief Judge Jerome B. Simandle (District of New Jersey)
7. Chief Judge Wilma A. Lewis (District of the Virgin Islands)
8. Judge Yvette Kane (Middle District of Pennsylvania)
9. Judge Gregory M. Sleet (District of Delaware)
10. Judge Cathy Bissoon (Western District of Pennsylvania)
11. Magistrate Judge Timothy R. Rice (Eastern District of Pennsylvania)
12. James V. Wade (Federal Defender, Middle District of Pennsylvania)
13. Charles M. Oberly, III (U.S. Attorney, District of Delaware)
14. John J. Brosnan (Assistant Special Agent-in-Charge, FBI, Philadelphia Division)
15. Robert Czepiel, Jr. (Supervising Deputy Attorney General, New Jersey)
16. Dr. Jennifer E. Dysart (Associate Professor of Psychology, John Jay College of Criminal Justice).
17. Jules Epstein, Esq. (Professor of Law, Temple University Beasley School of Law).

In order to discharge its responsibilities, the Task Force shall study the available research pertaining to best practices for criminal investigations and courtroom procedures, including without limitation: 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.

In addition to reviewing the available research, the Task Force may hear testimony from anyone it deems appropriate if members of the Task Force believe that such person's experience, expertise and/or research, could provide helpful information that would assist the Task Force in its mission.

The Task Force shall issue a Final Report and Recommendations no later than nine months from the date hereof, unless extended by the Co-Chairs. The Report shall include, but not be limited to, recommendations for: 1) jury instructions that should be adopted that are specific to the evaluation of eyewitness identification testimony; 2) the use of expert testimony to better inform jurors about eyewitness identification testimony; and 3) any other recommendations that the Task Force believes are important to the accuracy of eyewitness identifications and minimizing the likelihood of wrongful convictions.

Once approved by the Task Force, the Final Report and Recommendations shall be submitted to the chief judge of each district court in the circuit for distribution to the judges in that district.

DATED: September 9, 2016

s/ Theodore A. McKee
Chief Judge