To: IPDC Board

Date: March 3, 2021

From: Ruth Johnson, Research Attorney

Re: Eye-Witness ID proposed rule change

In July 2016, IPDC submitted a proposed Eye-Witness Identification Rule to the Rules Committee. At the time all rules were vetted by Judge Willis and she killed the proposal.

In August 2019, IPDC submitted a proposed Eye-Witness Identification Rule to the Rules Committee – see attached zipfile that contains the documents submitted in August 2019.

Because the issue involved a significant policy decision, the Rules Committee asked the Court for direction before discussing and refining the text of proposed rule. The Court responded that it thinks the issue is important but instead of a Court rule suggested:

1. IPDC work with IPAC to see if there could be a unified proposal
2. IPDC should propose legislation to address the issue
3. IPDC should create a jury instruction to address the issue

Because a Rule change is unlikely, the question before the Board is how to proceed on this issue.