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Witness-ID bill waits for governor

By the Mercury News

A bill designed to reduce the chances of mistaken identifications in criminal cases has been approved by the state Legislature and is now awaiting the governor's signature.

In ongoing coverage related to its "Tainted Trials, Stolen Justice" series, the Mercury News has detailed a series of cases based on eyewitness identification, which can be one of the most powerful but problematic types of evidence.

Last month, 38-year-old Michael Hutchinson of Milpitas was released from prison after more than six years following a judge's ruling that there was reasonable doubt that he was the man captured on a store camera robbing a Milpitas convenience store in 1998 and subsequently identified by an eyewitness.

The bill, sponsored by Sen. Carole Migden, D-San Francisco, and co-written by Assemblywoman Jackie Goldberg, D-Los Angeles, would require the attorney general to develop guidelines to ensure the reliability of eyewitness identifications from photo spreads and live lineups. All police and sheriff's departments would adopt those guidelines by the end of next year.

The guidelines were based on recommendations from the California Commission on the Fair Administration of Justice after the Mercury News detailed three cases of problematic identifications. Santa Clara County's district attorney already has adopted protocols for eyewitness identification.

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