

**SUPPORT****HB 21-1142 Eyewitness Identification Showup Regulations**

By Rep. Bacon and Sen. Gonzales

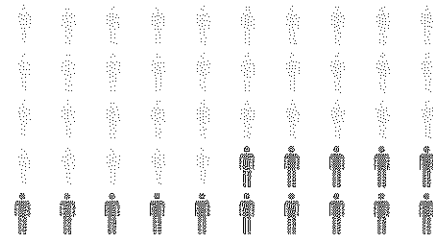
**The presumption of innocent until proven guilty must not be undermined by allowing showup eyewitness identifications to continue in their current manner.**

**SHOWUP:** an unreliable identification procedure used by law enforcement where a lone individual is presented in person to an eyewitness to "determine" if that individual committed the crime.

**What problem is HB 21-1142 trying to solve?**

The inherently biased and suggestive nature of showups contributes greatly to misidentifications. Eyewitness identifications of people who are of a different race have been found to be particularly unreliable. Several states have realized that the U.S. Supreme Court caselaw fails to provide an unbiased test for admission of eyewitness identifications and have been proactive in creating additional protections to guard against misidentifications.

**For decades, the data has consistently shown that as many as 70% of exonerations through DNA evidence were for cases where the original conviction was based on eyewitness misidentification.**

**The Solution**

Creating a legal duty for showups to be conducted according to statute in order to be admissible in court will lead to standardization of the most current best practices and limit the use of showups. Data collection across the state aligns with reporting requirements in SB 20-217 that created transparency and accountability for law enforcement interactions with the public. Colorado needs to require updated standardized and recognized best practices for eyewitness identification and limit admissibility in court unless certain practices are followed to reduce the pipeline of people to prison.

- Require an update of the current model policies and training for showup eyewitness identification procedures to reflect the most current recognized best practices for showup eyewitness identification practices.
- Require the P.O.S.T. Board to certify that law enforcement agencies have adopted the required policies.
- Limits the admissibility of showup eyewitness identifications in court if not conducted properly.
- Require data collection on the use of showups be added to currently required data collection by law enforcement.

**Wrongful convictions are egregious and destroy people's lives. Black, Latino, and low-income communities deserve protection from inherently biased showup eyewitness identifications.**

**Background**

In 2015, the Colorado General Assembly adopted SB 15-058 that required law enforcement agencies statewide to adopt policies related to showup eyewitness identifications by July 1, 2016. Law enforcement agencies were required to update their policies every five years. In 2016, Colorado created award winning Model Policies for Eyewitness Identification Guidelines, but law enforcement agencies had the flexibility to adopt their own.

It has been five years since those guidelines were created and there is no requirement to update those guidelines with newly developed best practices. In 2021, only a handful of law enforcement agencies have adopted those dated exact guidelines from 2016, or gone beyond with recent updates, including Boulder, Denver, Lakewood, Loveland and Westminster. There was no enforcement mechanism in SB 15-058 to oversee whether policies adopted even follow nationally recognized best practices, to ensure agency policies are updated to protect the public from the biased and suggestive nature of showups, and to determine if any policy adopted, biased or not, is even being followed.



Advancing human dignity in  
Colorado Communities

We are people of various  
faith traditions organizing to  
create a better world.



# HB 21-1142 SHOWUP EYEWITNESS IDENTIFICATIONS

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### Stakeholder Engagement

Together Colorado is a multi-race, multi-faith statewide volunteer organization spanning 220 congregations, schools, and faith leaders from Pueblo to Grand Junction to Ft. Collins. Our grassroots leaders have been organizing systemic change over the past 40 years on a variety of issues to promote social and economic justice.

Contract Lobbyist for Together CO: Tonette Salazar at [Tonettes@Strategies360.com](mailto:Tonettes@Strategies360.com) and Mike Beasley at [mike@5280strategies.com](mailto:mike@5280strategies.com)

Together CO has never initiated legislation and is bringing this bill without a coalition. Rigorous stakeholder work has been undertaken since October of 2020. Below is the list of actual meetings held; the invitations extended is a much lengthier list.

### Legislative Outreach

Together CO leaders have met with **55** members and sought out meetings with even more members of the House and Senate to discuss the concept of showups.

### Stakeholder Outreach

- Attorney General's Office
- CO Criminal Defense Bar
- Office of State Public Defender
- CO Criminal Defense Bar s Bar
- PD Keairns—Alamosa
- PD Dariel--Trinidad
- Sam Carey Bar Association
- CO Association of Chiefs of Police
- Chief Pazen—Denver
- Chief Herold--Boulder
- Chief Kilpatrick/Deputy Chief Harvey--Golden
- Fraternal Order of Police
- CSOC(sheriffs)
- DDPS
- CDPS
- CO District Attorney Council
- DA Dougherty—Boulder
- DA McCann—Denver
- DA Mason—Adams County
- DA King/ADA Gall—Jefferson County
- DA Champagne—La Plata
- DA McLaughlin—Larimer
- Korey Wise Innocence Project
- Dr. Eisen—Forensic expert in eyewitness identification, Cal State
- ACLU
- C-CASA
- Violence Free CO
- Denver City Council—7 members



March 31, 2021

Dear Honorable Members of the Colorado State Legislature:

Together Colorado is a nonpartisan, multi-racial and multi-faith statewide organization working to place human dignity at the center of public life in Colorado. We are writing this letter to you to express **our unequivocal support for HB21-1142: Eyewitness Showup Regulations** to standardize and limit the use of an eyewitness identification procedure called a “showup”.

Our initial interest and continued work on the issue comes from the showup and wrongful arrest of one of our members' sons who experienced a suggestive and biased showup that has had long-term consequences for him, his family, and the broader community. This experience ignited Together Colorado leaders to conduct extensive research on the issue, develop relationships with law enforcement and district attorneys, and work to create a change so others do not have to suffer the same harmful experience. This isn't an isolated incident; it has been happening across the state for decades, and it is time to seek a statewide policy solution.

A “showup” is a suggestive and unreliable identification procedure used by law enforcement to identify suspects when a crime has been committed. A single individual matching a witness description is detained near the scene of the crime and presented to a victim/witness in person. This practice differs from a traditional photo lineup where individuals who meet the description of the alleged perpetrator are presented in a photo array or in a lineup.

Wrongful convictions destroy people's lives. BIPOC (Black, Indigenous, People of Color) and low-income communities deserve protection from inherently biased Showup identifications. Latinos and Blacks are arrested 1.5 - 3 times more frequently than Whites. Whatever our race, background, or zip code, we all want to move through our communities without fearing for our lives or our loved ones. Our faith traditions teach us to love and care for our neighbor.

States and law enforcement agencies across the country have recognized the risks inherent in eyewitness cases: many have embraced best practices to guard against the risk of misidentification, but not all law enforcement agencies have been required to adopt those best practices. The foundational concept of 'innocent until proven guilty' must apply to all individuals, regardless of race or place, and be put into practice consistently by all law enforcement. When we morally lead, we can make Colorado a state where each person, on all sides of the law, can thrive.

We call on you to support HB21-1142 to standardize and limit the use of showups to exigent circumstances, coupled with training and data collection across the state. This will provide justice to communities of color and low-income people statewide.

Thank you for your public service and leadership.

Signed by 186 Colorado Faith Leaders (attached below)

Note: Congregation/Denomination/Ministry listed for identification purposes only

Rev. Jessica Abell  
Living Water Community Church, American Baptist  
Denver

Rev. Dr. Lee Berg  
Washington Park United Church of Christ  
Denver

Rev. Nathan Adams  
Park Hill United Methodist Church  
Denver

Madelyn Birgers  
First Unitarian Society  
Pueblo

Fr. Stephen Adams  
St. John the Evangelist Catholic Parish  
Loveland

Rev. Bonita Bock  
ELCA Lutheran  
Denver

Msgr. Robert Amundsen  
Retired Roman Catholic Pastor  
Denver

Susan Bolduc  
ELCA Lutheran  
Colorado Springs

Rev. Janel Apps Ramsey  
Progressive Christian  
Westminster

Rabbi Deborah Bronstein  
Reform Judaism, Congregation Har HaShem  
Boulder

Rev. Christopher Arlen  
Unaffiliated Community Minister  
Lakewood

Rev. Dr. Larry Brown  
New Bethany Missionary Baptist Church  
Pueblo West

Rev. Kaila Armbruster  
Shepherd of the Valley Lutheran Church/ELCA  
Grand Junction

Rev. Sally Brown  
St. John's Cathedral  
Denver

Rev. Megan Armstrong  
Arvada United Methodist Church  
Arvada

Rev. Bill Calhoun  
Retired Presbyterian Minister  
Denver

Rev. Adam Bailon  
All Souls Church of Boulder  
Boulder

Rev. Joseph Cao  
Cure d'Ars Catholic Church  
Denver

Pastor Clover Beal  
Montview Blvd Presbyterian Church  
Denver

Rev. Paul Carlson  
ELCA Lutheran  
Denver

Elaine Benvenuto  
Sacred Heart of Jesus  
Boulder

Rev. Valerie Carlson  
American Lutheran Church  
Grand Junction

Rev. Dr. Neema Caughran  
Center for Inner Peace  
Pueblo

Rev. Shaye Champ-Corell  
Christian Church Disciples of Christ  
Lafayette

Dr. James Chapman  
United Church of Christ  
Colorado Springs

Fr. Bert Chilson  
Catholic  
Glenwood Springs

Reg Cox  
Lakewood Connects  
Lakewood

Sister Nancy Crafton  
Sisters of Charity of Cincinnati Ohio  
Pueblo

Rev. Ian Cummins  
Montview Boulevard Presbyterian Church  
Denver

Rev. Thandiwe Dale-Ferguson  
First Congregational Church, UCC  
Loveland

Elder Norm Davey  
The Way Church  
Centennial

Rev. Rebecca David Hensley  
United Methodist  
Lakewood

Pastor Juan Jorge De los Santos  
Our Lady Mother of the Church  
Commerce City

Mary Derbort  
St. Michael Catholic Church  
Canon City

Michele Deslauriers  
Holy Family Parish  
Pueblo

Dr. David Dethermers  
First Congregational United Church of Christ  
Grand Junction

Rev. Jyoti DeVernie  
Centers for Spiritual Living  
Grand Junction

Rev. Kelly Dignan  
Unitarian Universalist Community Minister  
Denver

Minister Marrton Dormish  
The Refuge  
Broomfield

Rev. Amelia Dress  
United Church of Christ  
Erie

Deacon Jimmy Duffner  
First Presbyterian Church  
Pueblo

Rev. Wesley Dunbar  
St. John's Lutheran Church  
Thornton

Rev. Emily A. Easton  
Rocky Mountain Conference  
United Methodist Church  
Pueblo

Pararabbi David Edwards  
Congregation Ohr Shalom  
Grand Junction

Thomas English  
University Park United Methodist Church  
Denver

Rev. Alycia Erickson  
Pikes Peak Metropolitan Community Church  
Colorado Springs

Pastor Kathy Escobar  
The Refuge  
Broomfield

Sr. Maureen Fiedler  
Loretto Community  
Denver

Rabbi Biran Field  
Judaism Your Way  
Denver

Raymond Finney  
Immaculate Heart of Mary Catholic Parish  
Pagosa Springs

Maureen Flanigan  
Columbine Unitarian Universalist Church  
Littleton

Rev. Sheri Fry  
Good Shepherd Presbyterian Church  
Northglenn

Sr. Elizabeth Fuhr  
Sisters of St. Francis  
Denver

Father Robert Gallagher  
Catholic  
Colorado Springs

Rev. Nicole Garcia  
Westview Church/ ELCA Lutheran  
Boulder

Rabbi Bernard Gerson  
Congregation Rodef Shalom (retired)/ Jewish  
Denver

Rev. Donna Greene  
Christian Church (DOC)  
Fort Collins

Rev. Alane C. Griggs  
Crossroads United Methodist Church  
Grand Junction

Rev. Emily Hagan  
First UMC of Lafayette/ Lyons Community Church  
Lafayette

Rev. Gretchen Haley  
Foothills Unitarian Church  
Fort Collins

Dr. Christie Hanzlik  
Christian Science Church  
Boulder

Rabbi Kim Harris  
B'nai Chaim  
Morrison

Rev. Amanda Henderson  
Disciples of Christ  
Littleton

Dr. Margery Herrington  
First Presbyterian Church  
Pueblo

Co-Pastor Mike Herzog  
The Refuge  
Broomfield

Rev. John Hild  
Christ Congregational United Church of Christ  
Pueblo

Reverend Mark Hill  
Christian Methodist Episcopal  
Commerce City

Rev. Masando Hiraoka  
Mile Hi Church  
Lakewood

The Rev. Ted Howard  
St. John's Episcopal Church  
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Pastor Charles H. Hubbard  
Evangelical Lutheran Church in America  
Loveland

Pastor Ann Hultquist  
Augustana Lutheran Church, ELCA  
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Rev. Patrick Hurley  
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Pueblo West

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Unitarian Universalist Fellowship of Durango  
Durango

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Jewish Action Network of Northern Colorado  
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Retired United Methodist Clergy  
Centennial

Rev. Dr. Benjamin Keller  
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Loretto Community  
Denver

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ELCA Lutheran  
Canon City

Father Terry Kissell  
Saint Michael the Archangel Catholic Church  
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Br. Daniel Klawitter  
St. Thomas Episcopal Church  
Denver

Pastor John Knutson  
Our Savior's Lutheran Church  
Greeley

Rabbi Rachel Kobrin  
Congregation Rodef Shalom  
Denver

Rev. Ben Konecny  
First Congregational Church, UCC  
Greeley

Sr. Anna Koop  
Loretto Community  
Denver

Rev. Angie Kotzmoyer  
United Methodist Church  
Arvada

Friend Tom Kowal  
Mountain View Friends Meeting  
Denver

Rev. Nicole Lamarche  
Community UCC  
Boulder

Rev. Christopher Lamb  
Foothills Unitarian Church  
Fort Collins

Pastor Alena Lamirato  
ELCA Lutheran  
Castlerock

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Lakewood United Church of Christ  
Lakewood

Rev. Bradley Laurvick  
Highlands United Methodist Church  
Denver

Rev. Wayne Laws  
United Church of Christ  
Aurora

Rev. Dr. Jennifer Leath  
Campbell Chapel AME Church  
Denver

Rev. Marnie Leinberger  
Milagro Christian Church  
Pueblo

Rev. Robert S. Lewis, Jr  
First United Methodist Church  
Pueblo

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Namaqua Unitarian Universalist Congregation  
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Rev. Dana Lightsey  
Unitarian Universalist Congregation  
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Sacred Lifecycle Rituals  
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Westminster

Sister Patricia McCormick  
Loretto Community  
Denver

Deacon Clarence McDavid  
Cure D'ars Catholic Church  
Denver

Rev. Susan McKee  
Retired UCC Clergy  
Denver

The Rev. Frances McWilliams  
Summit Colorado Interfaith Council  
Breckenridge

Rev. Mark Meeks  
Capitol Heights Presbyterian Church  
Denver

Rev. Sally Megeath  
Episcopal Diocese  
Denver

Rev. Marcia Meier  
Henderson Community Church  
Henderson

Rev. Andrew Midgyett  
Shorter Community AME  
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Executive Director Adrian Miller  
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First Unitarian Society  
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Rocky Mountain Synod ELCA Lutheran  
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Colorado Springs

Sister. Molly Munoz  
Congregation of Humility of Mary  
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Earth & Social Justice Pastor, The Refuge  
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Rev. Dr. Eric D. Nelson  
Heritage Christian Center  
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Church of the Brethren, retired  
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Denver Institute of Urban Studies  
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Rev. Dave Nii  
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Soul Care Full Gospel Center  
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Soul Care Full Gospel Center  
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Shorter Community AME Church  
Lakewood

Rev. Loren Richmond, Jr  
Missiongathering Christian Church  
Thornton

Rev. Ruth Rinehart  
JUUST Living  
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United Methodist  
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Mile Hi Church  
Lakewood

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Columbine Unitarian Universalist Church  
Littleton

Rev. Pedro Silva  
United Church of Christ  
Boulder

Rev. Daniel Smith  
Ascension Lutheran Church, ELCA  
Colorado Springs

Rabbi Marc Soloway  
Bonai Shalom, Conservative Jewish  
Boulder

Rev. Sandra Spahr  
United Methodist Church  
Pueblo

Pastor Randy Spaulding  
Boulder Mennonite Church  
Boulder

Rev. Dr. Christopher Spotts  
First Presbyterian Church  
Brighton

Pastor Liliana Stahlberg  
Lord of the Mountains Lutheran Church  
Dillon

Rev. Paula Stecker  
Christ of the King Lutheran Church  
Colorado Springs

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Interfaith  
La Veta

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St. John's Episcopal Cathedral  
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