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Pānui Pāpāho | Media Release

Commission commences inquiry into eyewitness identification evidence in Aotearoa

Te Kāhui Tātari Ture | Criminal Cases Review Commission ([Te Kāhui](#)) has launched an inquiry into the way eyewitness identification evidence is used in criminal cases, with the issue emerging in several applications to Te Kāhui.

Under section 12 of the CCRC Act, Te Kāhui has the power to initiate and conduct inquiries into matters identified in the course of performing our primary role that may be related to cases involving a miscarriage of justice, or that may have the potential to give rise to such cases.

During our first three years of operation, Te Kāhui has identified a range of systemic issues which we consider have the potential to contribute to miscarriages of justice in Aotearoa New Zealand. In particular, issues relating to eyewitness identification evidence (otherwise known as visual identification evidence).

In December 2023 and January 2024, Te Kāhui made two referrals to appellate courts; one concerning the rape and murder convictions of Mikaere Oketopa and the second in relation to indecent acts that took place in 2015. A key issue in both of these referrals was the reliability of eyewitness identification evidence. Further details on the referrals can be found [here](#).

Other high profile wrongful conviction cases in Aotearoa involving eyewitness identification evidence include George Moulden, David Dougherty, Teina Pora, and most recently Alan Hall.

The inquiry will examine factors which could impact on the reliability of eyewitness identification evidence such as cross-racial identification, pre and post event influence, social media contamination and confidence. It will also consider whether police practice and procedures relating to eyewitness identification evidence are in line with international standards and best practice.

The inquiry will be supported by a range of experts, including a panel with extensive relevant academic and professional expertise. Te Kāhui will also engage with key stakeholders and an issues paper will be released in the next few months for consultation and feedback.

The terms of reference for the inquiry and FAQs are **attached** and will be made available on the Te Kāhui website in the coming weeks: <https://www.ccrcc.nz/> Further information will be added to the Te Kāhui website as the inquiry progresses.

ENDS

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