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Organization founded by the Sheriffs in 1894

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April 11, 2007

The Honorable Elaine Alquist
Member of the Senate
State Capitol Building, Room 5080
Sacramento, CA 95814

Re: SB 511 (Alquist) - OPPOSE (As amended 04/09/07)

Dear Senator Alquist,

On behalf of the California State Sheriffs Association, I regret to inform you that we have reviewed your SB 511, regarding custodial interrogations and recordings, and we must oppose the bill as amended on 04/09/07.

SB 511 would provide the appellate court the opportunity to interpret the complexity of the law and create new case law that could affect credible case law, and the current evidence code.

In most cases, agencies use interview rooms located at their headquarters for interrogations. However, there are times that a suspect needs to be interviewed immediately in or near the crime scene where there may not be an interview room with video and audio capabilities.

Currently, the scope of recording is limited to audio record. Attempting to video tape a suspect at the crime scene may cause a subject/suspect to be reluctant to talk to investigators, therefore, interrogations are routinely conducted at a station. If the state does not provide counties and cities with funds for all law enforcement agencies to retrofit their facilities, the burden of funding will be costly for the construction and hardware placement.

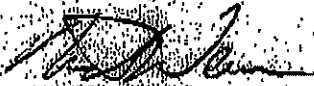
Additionally, if a suspect is in custody on an unrelated charge in one of the state prisons and needs to be interviewed or interrogated, prison authorities do not allow video taping/recording equipment into their facilities. Special permission must be obtained in order to allow for a tape recorder to be taken into a prison.

Fax from :

We also have concerns regarding the measure's restrictive language. The bill suggests that all homicides and serious felonies need to be recorded. However, the word "shall" is too restrictive with regards to interviewing and/or interrogating a suspect in a homicide investigation. We are concerned that the focus of a trial will be more on the procedures of law enforcement using proper recording devices than on the actions of the suspect. "Cautionary jury instruction" in the event the officer's recorded interrogation is deemed unlawful by the courts. It is unclear what "unlawful" indicated.

For these reasons, the California State Sheriffs Association must oppose SB 511.

Sincerely,



Nick Warren
Legislative Director

cc: The Honorable Gloria Romero, Chair, Senate Public Safety Committee
The Honorable Dave Cogdill, Vice Chair, Senate Public Safety Committee