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September 13, 2007

The Honorable Arnold Schwarzenegger
 Governor of California
 State Capitol
 Sacramento, CA 95814

Re: SB 756 - Support

Dear Governor Schwarzenegger:

The ACLU is pleased to inform you of our support for SB 756, which requires the Department of Justice in consultation with law enforcement agencies, prosecutors and defense attorneys to develop voluntary guidelines for conducting eyewitness lineup identifications to help ensure accuracy and reliability of eyewitness evidence in criminal cases. This bill further provides that these guidelines shall be transmitted to the Legislature with recommendations of any legislation needed to implement the guidelines.

The California Commission of the Fair Administration of Justice recently reported that studies have shown that mistaken eyewitness identification contributed to the wrongful conviction of 88% of rape and sexual assault cases of persons subsequently exonerated through post-conviction DNA testing in the United States. The Commission's report indicates that unexposed mistaken identification "could be present in other convictions that heavily rely upon eyewitness identifications, such as robbery, where DNA evidence is not normally present." The report concludes:


"The Commission is satisfied that the risk of wrongful conviction in eyewitness identification cases exists in California, as elsewhere in the country, and that reforms to reduce the risk of misidentification should be immediately implemented in California"

SB 756 requests the Attorney General to review and consider the suggestions of the Commission, the National Institute of Justice and others in adopting "best practices" for improving the eyewitness identification. These recommendations include such practices as "double blind" procedures where the person conducting the line-up does not know who the suspect is, and providing specific instructions to the witness. The reliability of eyewitness identification is greatly increased through these changes.

Decreasing erroneous eyewitness identifications helps police departments and prosecutors focus their resources on the actual perpetrator -- instead of being distracted by innocent persons mistakenly identified by eyewitnesses. That is why states, counties and municipalities across the nation are adopting and implementing them into their daily practice. California must do the same.

We respectfully urge your signature of SB 756.

Sincerely,


 Francisco Lobaco
 Legislative Director

cc: The Honorable Mark Ridley-Thomas

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