

CALIFORNIA COMMISSION ON THE FAIR ADMINISTRATION OF JUSTICE

July 6, 2007

Commissioners
John Van De Kamp,
Chair
Jon Streater,
Vice-Chair

Mr. Geoff Long
Assembly Appropriations Committee
State Capitol Room 2114
Sacramento, CA 95814

Diane Bellas
Harold O. Boscovich
Gerry Chaleff
(representing Chief
William Bratton)
Glen Cragg
Chief Pete Dunbar
James P. Fox
Rabbi Allen Freehling
Michael Hersek
Sheriff Curtis Hill
Bill Ong Hing
Michael P. Judge
George Kennedy
Michael Laurence
Alejandro Mayorkas
Judge John Moulds
Kathleen Ridolfi
Douglas R. Ring
Janet Gaard
(representing
Jerry Brown)
Gregory D. Totten

RE: SB 756 (M. Ridley-Thomas).
Response to Opposition by Department of Finance

Dear Mr. Long:

We have been advised that SB 756 will be reviewed by the Assembly Appropriations Committee on July 11, 2007. This bill incorporates recommendations of our Commission to address the leading cause of wrongful convictions, erroneous eye-witness identifications. The bill would require the Attorney General to develop guidelines for the collection and handling of eyewitness testimony in criminal cases, and report his recommendations to the legislature.

We have received a copy of the Department of Finance Bill Analysis, dated 4-26-07, which we believe is based upon an erroneous interpretation of the bill in estimating the costs of implementation. The Department of Finance estimates the one-year costs of developing the guidelines at \$232,000. We have no quarrel with this estimate. However, the Department of Finance then projects a cost of \$363,000 annually thereafter, "driven by additional legal counsel workload of reviewing appeals of cases prosecuted by the DOJ that relied on eyewitness evidence." Projecting such future costs is certainly premature with respect to SB 756, since further action of the legislature would be required to implement any guidelines developed. In any event, this estimate is entirely conjectural. In Santa Clara County, for example, where guidelines for the collection and handling of eyewitness testimony have been in place for four years, the number of appeals of cases challenging the guidelines is zero.

The projected cost estimates also ignore the potential savings in avoiding substantial judgments for wrongful convictions, and awards of compensation for the innocent persons who are wrongly incarcerated for lengthy prison terms on the basis of mistaken eyewitness identifications.

Gerald F. Uelman, Executive Director
Chris Boscia, Executive Assistant

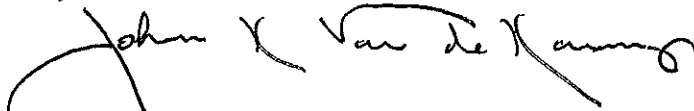
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We regret that we will be unable to attend the hearing in the Assembly Appropriations Committee on July 11. The Commission is holding an all-day public hearing on the Professional Responsibility and Accountability of Prosecutors and Defense Lawyers in Los Angeles on that very same day. However, if you or the members of the Committee have further questions about SB 756, SB 511, or SB 609, please do not hesitate to contact me or Prof. Jerry Uelmen, our Executive Director.

Sincerely,



John Van De Kamp,
Chair,
California Commission on the Fair Administration of Justice

Cc: Sen. Mark Ridley-Thomas
Tom Sheehy, Deputy Director, Department of Finance

Gerald F. Uelmen, Executive Director
Chris Boscia, Executive Assistant

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