



Government Relations Oversight Committee

1455 Response Road, Suite 190, Sacramento, CA 95815
Telephone Number: (916) 263-8541 Fax: (916) 263-6090



Government Relations Manager, John Lovell
Telephone Number: (916) 447-3820 Fax: (916) 441-1974

April 12, 2007

Honorable Mark Ridley-Thomas
Member of the California Senate
State Capitol, Room 4051
Sacramento, CA 95814

Dear Senator Ridley-Thomas:

The California Peace Officers' Association, which represents the entire scope of the law enforcement profession, and the California Police Chiefs Association, whose members protect over 70% of Californians, regrets that they must oppose Senate Bill 756.

Although all of us in law enforcement support the objective of reliable identification procedures, we would respectfully suggest that reliance on the procedures outlined by the California Commission on the Fair Administration may be placing too much faith in protocols that have achieved dubious results. In fact, the opposite may be true. A year-long Illinois pilot project in 2004 in the police departments of Chicago, Joliet and Evanston demonstrated that *"the sequential double-blind method led to a lower rate of suspect identifications as well as a higher rate of known false errors."* (Report to the Legislature of the State of Illinois, Mackdenburg, March 17, 2006.) A similar program in Minnesota came to the same conclusion, and adoption of the "new" procedures was subsequently rejected on the basis of the demonstrated results. If California agencies were obliged to adopt these apparently discredited procedures, clearance and conviction rates would decline, with concomitant crime rate increases caused by those who escaped conviction.

The double-blind procedure recommended by the Commission (requiring that the officers showing photos or conducting a lineup not be the case investigators, but be additional officers who are unaware of the suspect's identity) creates numerous problems. This procedure assumes that every agency has the personnel to accommodate such a procedure. In fact, however, many police and sheriff's departments have between 5 and 15 sworn officers to cover the entire jurisdiction on all shifts and all days of the week. In these departments, every officer is likely to know who the suspect in a given case is. Using a "double-blind administrator" to show pictures or to run a line would often mean calling in the next shift, or getting a deputy from a distant town to leave his or her post in order to assist with the ID. This would be grossly inefficient and disruptive in most jurisdictions. If, as often happens, multiple suspects commit a crime, the need for multiple blind administrators would multiply the problems.

Agencies must give comp time or overtime pay to officers who are subpoenaed or placed on-call as witnesses. If the prosecutor is forced to subpoena not only the handling officer but also one or more double-blind administrators, agency overtime costs could quickly increase exponentially.

Moreover, committing additional officers to identification procedures means pulling those officers away from other duties. This would impact public safety by putting more officers in the station and fewer officers on the streets, thereby lowering clearance rates. Making witnesses wait for the arrival of another officer to

conduct an ID procedure would be a source of frustration for the citizen-witness and adversely affect the working relationship between the officers and victims or witnesses, as shown in the Illinois study.

Another unintended consequence could be caused by forbidding officers who routinely work cooperatively on cases from discussing their cases and suspects with each other for fear of "tainting" a double-blind administrator. This would deprive the department of the collective knowledge and experience of all of its officers in solving crimes, and reduce the communication and collegiality among officers that are important to morale and operational efficiency.

Finally, officers and prosecutors would have to be retrained on new procedures, and in meeting the new objections brought by defense attorneys who would inevitably question the reliability and fairness of "new" procedures (especially the more suggestive sequential presentation of photos and suspects) that have not received the time-tested courtroom validation that existing ID procedures already enjoy. This will mean increased trial and appellate litigation of these issues for years to come, greatly increasing the delays and expense of final adjudication.

For these reasons, both the California Peace Officers' Association and the California Police Chiefs Association are obliged to respectfully oppose Senate Bill 756. Thank you for considering our views.

Sincerely,



Paul Cappitelli
President
California Peace Officers' Association



Richard Word
President
California Police Chiefs Association

CC: Alison Anderson, Chief Counsel, Senate Committee on Public Safety