



DEPARTMENT OF
FINANCE
OFFICE OF THE DIRECTOR

ARNOLD SCHWARZENEBBER, GOVERNOR

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Honorable Mark Ridley-Thomas
Member of the Senate
State Capitol, Room 4061
Sacramento, CA 95814

Dear Senator Ridley-Thomas:

Our office has reviewed SB 756, as amended April 9, 2007, and on the basis of our attached analysis of available information, we regret that we must oppose your legislation. If you feel that we may have overlooked factors that may be important in evaluating your legislation, please call me at 445-8610 and we will arrange any assistance necessary.

Sincerely,



TOM SHEEHY
Deputy Director

Attachment

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 9, 2007
POSITION: Oppose
SPONSOR: California Commission on the Fair
Administration of Justice, American Civil
Liberties Union

BILL NUMBER: SB 756
AUTHOR: M. Ridley-Thomas

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BILL SUMMARY: Criminal Investigations: Eyewitness Identification

This bill would require the Department of Justice (DOJ) and the Commission on Peace Officer Standards and Training (POST), by December 31, 2008, to work with other stakeholders, as specified, to develop guidelines for policies and procedures on the collection and handling of eyewitness evidence in criminal investigations by all law enforcement agencies in California. It would also require the Attorney General (AG) to report to the Legislature by December 31, 2009 on the voluntary implementation of the guidelines and related training by California law enforcement agencies.

FISCAL SUMMARY

The DOJ indicates that its costs to implement the requirements of this bill would be approximately \$232,000 General Fund in 2007-08 and \$363,000 General Fund annually thereafter, which do not include the one-time costs associated with the December 31, 2009 reporting requirement. The first-year costs would be driven by the workload associated with developing the required guidelines, whereas the ongoing costs would be driven by additional legal counsel workload of reviewing appeals of cases prosecuted by the DOJ that relied on eyewitness evidence.

The Commission on POST estimates that its one-time costs to coordinate with the DOJ and other specified stakeholders would be approximately \$100,000 and would be paid from the Peace Officers' Training Fund. We expect that there would be no ongoing costs for the Commission.

COMMENTS

The Department of Finance is opposed to this bill because it would result in additional General Fund and Peace Officer Training Fund costs that are not included in the Administration's current fiscal plan.

Existing law does not address policies, procedures, or requirements for the collection or handling of eyewitness evidence.

This bill would:

- Require the DOJ and the Commission on POST to work with local law enforcement agencies, prosecutors, defense attorneys, and other legal experts, as specified, by December 31, 2008, to develop guidelines for policies and procedures with respect to the collection and handling of eyewitness evidence in criminal investigations by all law enforcement agencies operating in California.

(Continued)

Analyst/Principal (0211) J. Carosone <i>J. Carosone</i>	Date 4-26-07	Program Budget Manager Todd Jerue <i>Todd Jerue</i>	Date 4/27/07
Department Deputy Director Original Signed By: Thomas L. Sheehy			
Governor's Office:	By:	Date:	Position Approved Position Disapproved

Eric Carosone
JUN 11 2007
Original Signed

BILL ANALYSIS

Form DF-43 (Rev 03/95 Buff)

AUTHOR

AMENDMENT DATE

BILL NUMBER

M. Ridley-Thomas

April 9, 2007

SB 756

COMMENTS (continued)

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- Require that the guidelines be developed to:
 - Ensure reliable and accurate suspect identifications.
 - Be consistent with reliable evidence with respect to best practices, including consideration of the recommendations of the California Commission on the Fair Administration of Justice.
- Require that the guidelines be transmitted to the Legislature with recommendations for any legislation needed to enforce the guidelines.
- Require the AG to report to the Legislature by December 31, 2009 on the voluntary implementation of the guidelines and related training implemented by California law enforcement agencies.

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)									Fund Code	
	SO LA	PROP		2006-2007		2007-2008		2008-2009			
	RV	98	FC	FC	FC	FC	FC	FC	FC		
0820/Justice	SO	No		--	C		\$232	C		\$363	0001
8120/POST	LA	No		--	C		\$100			--	0268

Fund Code	Title
0001	General Fund
0268	Peace Officers' Training Fund