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**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

*The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.*



April 30, 2007

APR 30 2007

The Honorable Mark Ridley-Thomas  
California State Senate  
Sacramento, CA 95814

Re: SB 756 (Eyewitness Identification)

Arnold Schwarzenegger  
Governor

Dear Senator Ridley-Thomas:

Jerry Brown  
Attorney General

On April 19, 2007, an analysis of Senate Bill 756 was presented to the Commission on Peace Officer Standards and Training (POST). POST staff recommended that a neutral position be taken on this legislation, recognizing that it has been the historic role of POST to develop peace officer training curriculum periodically mandated by the Legislature. By a 13-0 vote, the Commission voted to OPPOSE this legislation.

Since 1959, POST has met the responsibility to develop training curriculum involving complex or controversial topics. Sexual harassment, cultural diversity, pursuit policy guidelines, and racial profiling are just a few of the topics POST has developed for peace officer training.

SB 756 has met a phalanx of opposition from the criminal justice community for a variety of reasons, including concerns of increased operational costs among law enforcement agencies to follow procedures unlikely to be the sole cause or significant contributing factor to false convictions.

One misidentification resulting in a criminal conviction in California is one too many. However, criminal exonerations in California caused *solely* by one-on-one identifications are extremely rare. Additionally, the National Institute of Justice (NIJ) "recognizes a very small incidence of misidentifications nationwide and does not credit eyewitness testimony as the sole or dominant cause of known misidentifications, (e.g. circumstantial evidence)," stating "the vast majority of eyewitness identifications are accurate and provide trustworthy evidence for the trier of fact."

Upon review of this proposed legislation, it was the conclusion of the Commission on POST that this bill did not address a significant public policy issue and that the resources of POST could be more effectively directed toward other training needs.



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I must add that you have my assurance that if SB 756 is enacted, POST will provide an objective, comprehensive, and timely development of eyewitness identification guidelines.

Should you have any questions, please contact Bureau Chief Bob Stresak, Legislative Advocate, at (916) 227-2085 or [Bob.Stresak@post.ca.gov](mailto:Bob.Stresak@post.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Hal Snow".

HAL SNOW

Interim Executive Director

HS:bs:dar