



July 13, 2007

Gerald F. Uelman, Executive Director
California Commission on the Fair Administration of Justice
900 Lafayette Street, Suite 608
Santa Clara, California 95050

Subject: SB 511 (Alquist), SB 609 (Romero) and SB 756 (Ridley-Thomas) -OPPOSE

Dear Mr. Uelman:

The Riverside Sheriffs' Association, which represents over 2,800 rank and file Deputy Sheriffs, Deputy Probation Officers, Deputy Correctional Officers, District Attorney Investigators, and Deputy Coroners – the entire law enforcement team in Riverside County - is writing to you to express our opposition to the three bills sponsored by your Commission.

Specifically, we are opposed to SB 511 (Alquist), SB 609 (Romero) and SB 756 (Ridley - Thomas).

We are supportive of the principal in Senator Alquist's bill, SB 511. Video and audio tapes of police interrogations are sound police practice. However, we cannot support the prejudicial jury instruction as required as part of this bill. If this provision were, we could support this measure.

We cannot support the jailhouse informant provisions in SB 609. While we understand jail house informant testimony is often unreliable, we believe witness credibility issues are better left in the hands of a jury and to the discretion of judges, prosecutors, and defense attorneys than fixed in statute as this bill currently provides. Simply put, SB 511 and SB 609 create loopholes for defendants to get an edge in court on technicalities.

SB 756 requires the Attorney General to establish a representative working group that will ultimately lead to enforceable guidelines for witness identification that circumvent the legislative process. The bill has cosmetic differences from SB 1544 (Migden 2006), which was vetoed by the Governor. Although the bill says the recommendations are "guidelines," it goes on to say, "*The guidelines shall be transmitted to the Legislature with recommendations of any legislation needed to enforce the guidelines.*"

We oppose the bill for the same reasons cited by Governor Schwarzenegger in his SB 1544 veto message:

"This bill would require that the Department of Justice (DOJ) and Commission on Peace Officer Standards and Training (POST) consult with law enforcement agencies, prosecutors, public defenders, and other legal experts in order to develop

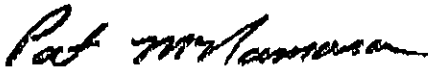
Gerald Uelman, Executive Director
July 13, 2007
Page Two

mandatory guidelines and policies for the collection and handling of eyewitness evidence... It is unthinkable that we would allow the DOJ and POST such unprecedented authority over a fundamental step in our criminal justice system. I cannot support a measure that circumvents the legislative process and denies the public and their elected representatives the chance to approve or deny a statewide policy that could have a life-altering impact on an individual participating in our justice system."

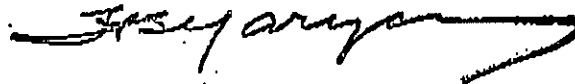
RSA is committed to working with the author in seeking mutually acceptable amendments to SB 756, but we cannot support the current form of this bill.

Please feel free to contact us, if you have any questions.

Very truly yours,



Pat McNamara
President



Timothy H. B. Yaryan
Legislative Counsel and Advocate

cc: Honorable Arnold Schwarzenegger, Governor of California
Honorable Elaine Alquist, Member of the Senate
Honorable Gloria Romero, Member of the Senate
Honorable Mark Ridley-Thomas, Member of the Senate
All California State Assembly Members
RSA