



BONNIE M. DUMANIS
SAN DIEGO COUNTY DISTRICT ATTORNEY

September 13, 2007

Hon. Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

RE: SB 756 - REQUEST FOR VETO

Dear Governor Schwarzenegger:

The Office of the San Diego District Attorney respectfully urges you to veto SB 756. This bill will create the unnecessary implementation of guidelines and training, which may adversely affect the collection and handling of eyewitness evidence in criminal investigations by law enforcement throughout California.

Specifically troubling is the recommendation that once a single witness has made lineup identification, that the other witnesses may not view the suspect, but must await a lineup at a later time. We believe this procedure will actually increase the chance that an innocent person might be wrongly arrested, because a mistaken identification by the first witness was not allowed to be promptly disclaimed by the other witnesses. In this case, a wrong person may be taken into custody while the actual perpetrator escaped. It is critical to secure witness information as soon as possible and to ensure their availability to testify in court.

We are also concerned that the recommended "sequential double-blind" methodology could lead to increased trial and appellate litigation brought forth by defense attorneys who would question the reliability of the "new" procedures.

The current policies and procedures that law enforcement uses for lineups are fair, reliable and have withstood intense scrutiny in the legal arena. Our office reviews each and every investigative report delivered by law enforcement prior to formally charging a defendant. It is not necessary to change the investigative procedures for identifying an alleged suspect.

It is for these reasons that the San Diego Office of the District Attorney urges you to veto SB 756.

Sincerely,

BONNIE M. DUMANIS
District Attorney of San Diego County

BMD/sas