



COUNTY OF SAN MATEO

Office of the Sheriff

GREG MUNKS
SHERIFF

CARLOS G. BOLANOS
UNDERSHERIFF

400 COUNTY CENTER • REDWOOD CITY • CALIFORNIA 94063-1682 TELEPHONE (650) 599-1664 www.smcsheriff.com

September 13, 2007

ADDRESS ALL COMMUNICATIONS TO THE SHERIFF

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building, First Floor
Sacramento, CA 95814

Re: **SB 756 (Ridley-Thomas) – Request for Veto**

Dear Governor Schwarzenegger:

As the Sheriff of San Mateo County and a member of the California State Sheriffs' Association, I respectfully request you to veto SB 756. This bill declares a legislative intent that law enforcement officials study and consider adoption of new procedures recommended by the National Institute of Justice and the California Commission on the Fair Administration of Justice regulating eyewitness lineup identifications to ensure a decrease in the number of misidentifications.

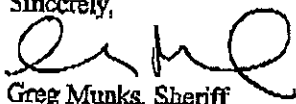
One of the recommendations is that an officer not involved in the investigation, and who is unaware of the suspect's identity, conduct the lineup. This presents a problem in that our law enforcement agencies immediately put out a broadcast describing the suspect's physical appearance and name if known, last known location or direction of travel and the vehicle (if applicable) description. Every officer on duty will learn the suspect's description and a brief synopsis of the crime that occurred. This ensures swift capture of the alleged suspect. We would have to call in an officer that was not on duty to conduct the lineup, and this would pose an overtime issue, which can be costly. Also, it would delay securing witness information while we are trying to determine if we caught the right person. This is disruptive to the witnesses and very inefficient in most jurisdictions. In the event of multiple suspects, there would be a need for multiple "unaware" investigators to conduct the lineups.

Another recommendation by the Commission addresses the situation where two or more witnesses are available for an in-field lineup (where an alleged suspect in a recent crime is detained in the field for prompt identification or elimination by drive-by viewing). The Commission's recommendation is that once a single witness has made a lineup identification, that the other witnesses may not view the suspect, but must await a lineup at a later time. This procedure increases the chances 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 suspect got away. It is very important to secure witness information as soon as possible and to ensure their availability to testify in court.

The current procedures that law enforcement uses for lineups are time-tested and court approved. All of our criminal investigative reports are seriously scrutinized by the District Attorney's office prior to formally charging a defendant. It is not necessary to change the investigative procedures for identifying an alleged suspect.

I urge your veto on SB 756. If I can be of further assistance in this matter, please feel free to contact me.

Sincerely,


Greg Munks, Sheriff
San Mateo County

cc: The Honorable Mark Ridley-Thomas, Member of the Senate – Fax 916-445-8899
Nick Warner, CSSA Legislative Director
Steve Szalay, CSSA Executive Director



SHERIFF'S OFFICE
COUNTY OF HUMBOLDT

826 FOURTH STREET
EUREKA, CALIFORNIA 95501-0516 PHONE (707) 445-7251

September 18, 2007

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building, First Floor
Sacramento, CA 95814

Re: **SB 756 (Ridley-Thomas) – Request for Veto**

Dear Governor Schwarzenegger:

As Sheriff of Humboldt County and a member of the California State Sheriffs Association, I respectfully request that you veto SB 756. SB 756 declares a legislative intent that law enforcement officials study and consider adoption of new procedures recommended by the National Institute of Justice and the California Commission on the Fair Administration of Justice regulating eyewitness lineup identifications to ensure a decrease in the number of misidentifications.

One of the recommendations is that an officer not involved in the investigation, and who is unaware of the suspect's identity, conduct the lineup. This presents a significant problem in many instances because frequently our law enforcement agencies will immediately put out a broadcast describing the suspect's physical appearance, name if known, last known location or direction of travel and the vehicle description (if applicable). For important public safety and investigative reasons, every officer on duty will learn the suspect's description and a brief synopsis of the crime that occurred. This ensures swift capture of the alleged suspect.

To comply with this measure, we would have to call in an officer that was not on duty to conduct the lineup, and this could delay securing witness information while we're trying to determine if we caught the right person. Additionally this would create an overtime issue, which can be costly. This is disruptive to the witnesses and very inefficient in most jurisdictions. In the event of multiple suspects, there would be a need for multiple "unaware" investigators to conduct the lineups.

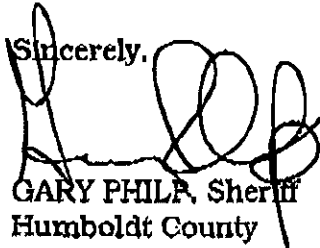
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Letter to the Honorable Governor Schwarzenegger
September 18, 2007
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wrongly arrested because a mistaken identification by the first witness was not allowed to be promptly disclaimed by the other witnesses. In this case, a wrong person may be taken into custody while the actual suspect got away. It is very important that we maintain the ability to secure witness information as soon as possible and to ensure their availability to testify in court.

The current procedures that law enforcement uses for lineups are time-tested and court approved. All of our criminal investigative reports are seriously scrutinized by the District Attorney's office 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 I oppose this bill.

If I can be of further assistance in this matter, please feel free to contact me.

Sincerely,

GARY PHILP, Sheriff
Humboldt County

cc: The Honorable Mark Ridley-Thomas, Member of the Senate
Nick Warner, CSSA Legislative Director
Steve Szalay, CSSA Executive Director



CALAVERAS COUNTY SHERIFF'S OFFICE

DENNIS DOWNUM, SHERIFF

GOVERNMENT CENTER
891 MOUNTAIN RANCH ROAD
SAN ANDREAS, CA 95249



Administration
209-754-6500

Animal Services
209-754-8509

Civil Division
209-754-6479

Fax
209-754-6581

Investigations
Narcotics
209-754-6564

Jail
209-754-6499

Marine Safety
209-754-2899

OES
Hazmat
EOD
209-754-2890

Records
209-754-6694

September 18, 2007

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building, First Floor
Sacramento, CA 95814

Re: **SB 756 (Ridley-Thomas) – Request for Veto**

Dear Governor Schwarzenegger:

As Sheriff of Calaveras County and a member of the California State Sheriffs Association, I respectfully request you to veto SB 756, which declares a legislative intent that law enforcement officials study and consider adoption of new procedures recommended by the National Institute of Justice and the California Commission on the Fair Administration of Justice regulating eyewitness lineup identifications to ensure a decrease in the number of misidentifications.

One of the recommendations is that an officer not involved in the investigation, and who is unaware of the suspect's identity, conduct the lineup. This presents a problem in that our law enforcement agencies immediately put out a broadcast describing the suspect's physical appearance and name if known, last known location or direction of travel and the vehicle (if applicable) description. Every officer on duty will learn the suspect's description and a brief synopsis of the crime that occurred. This ensures swift capture of the alleged suspect. We would have to call in an officer that was not on duty to conduct the lineup, and this would pose an overtime issue, which can be costly. Also, it would delay securing witness information while we're trying to determine if we caught the right person. This is disruptive to the witnesses and very inefficient in most jurisdictions. In the event of multiple suspects, there would be a need for multiple "unaware" investigators to conduct the lineups.

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The current procedures that law enforcement uses for lineups are time-tested and court approved. All of our criminal investigative reports are seriously scrutinized by the District Attorney's office 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 I must oppose this bill.

If I can be of further assistance in this matter, please feel free to contact me.

Sincerely,


Dennis Downum, Sheriff
Calaveras County

cc: The Honorable Mark Ridley-Thomas, Member of the Senate - Fax 916-445-8899
Nick Warner, CSSA Legislative Director
Steve Szalay, CSSA Executive Director



TUOLUMNE COUNTY SHERIFF'S OFFICE

JAMES W. MELE
SHERIFF-CORONER

September 17, 2007

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building, First Floor
Sacramento, CA 95814

Re: SB 756 (Ridley-Thomas) - Request for Veto

Dear Governor Schwarzenegger:

As Sheriff of Tuolumne County and a member of the California State Sheriffs Association, I respectfully request you to veto SB 756, which declares a legislative intent that law enforcement officials study and consider adoption of new procedures recommended by the National Institute of Justice and the California Commission on the Fair Administration of Justice regulating eyewitness lineup identifications to ensure a decrease in the number of misidentifications.

One of the recommendations is that an officer not involved in the investigation, and who is unaware of the suspect's identity, conduct the lineup. This presents a problem in that our law enforcement agencies immediately put out a broadcast describing the suspect's physical appearance and name if known, last known location or direction of travel and the vehicle (if applicable) description. Every officer on duty will learn the suspect's description and a brief synopsis of the crime that occurred. This ensures swift capture of the alleged suspect. We would have to call in an officer that was not on duty to conduct the lineup, and this would pose an overtime issue, which can be costly. Also, it would delay securing witness information while we're trying to determine if we caught the right person. This is disruptive to the witnesses and very inefficient in most jurisdictions. In the event of multiple suspects, there would be a need for multiple "unaware" investigators to conduct the lineups.

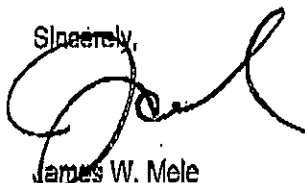
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If I can be of further assistance in this matter, please feel free to contact me.

Sincerely,



James W. Mele
Sheriff-Coroner

cc: The Honorable Mark Ridley-Thomas, Member of the Senate – Fax 916-445-8899
Nick Warner, CSSA Legislative Director
Steve Szalay, CSSA Executive Director