



The Senate of The State of Texas

SENATOR RODNEY ELLIS
District 18

PRESIDENT PRO TEMPORE
1999 - 2000

COMMITTEES:

Chair, Government Organization
Criminal Justice
Transportation & Homeland Security
State Affairs

September 14, 2007

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

RE: Support for SB 511, 609 and 756

Dear Governor Schwarzenegger:

It was an honor to meet you last weekend for the "Best Buddies Bike Ride". I am back in Texas now, recovering from the 100 mile route. I read the press accounts of Governor Rick Perry's California speech the same weekend--maybe his time would have been better spent with you and I riding along the Pacific Coast.

I wanted to follow up to encourage you to sign SB 511 (requiring electronic recording of interrogations), SB 609 (requiring corroboration for jailhouse informants), and SB 756 (requiring new guidelines for eyewitness identification procedures). The passage of these measures would confirm California's deserved reputation as a leader in the field of criminal justice policy and serve as a model for other states around the nation to aspire toward.

As you may be aware, I serve as Chair of the Board of the Innocence Project, a national litigation and public policy organization, co-founded by Barry Scheck and Peter Nuefeld, dedicated to exonerating the wrongfully convicted through DNA testing and reforming the criminal justice system to prevent future injustice. DNA evidence has proven innocent people are being convicted and sentenced to prison in far greater numbers than we ever imagined. Each time an innocent person is wrongfully convicted, the harm falls not only on that person, but on the community and the crime victims, as each wrongful conviction leaves the true perpetrator on the streets to hurt our communities. Convicting the guilty while protecting the innocent is the most fundamental goal of our criminal justice system. Yet, all too often, we fall short.

California is to be commended for establishing, under your leadership, The California Commission on Fair Administration of Justice to ensure that the administration of justice

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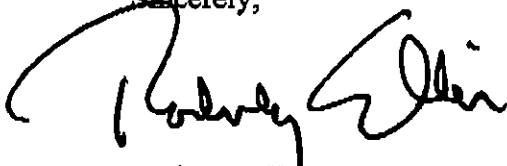
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in California is fair, just, and accurate. The Commission, chaired John Van de Kamp-- former Attorney General and Former Los Angeles County District Attorney-- and composed of a victims rights advocate, prosecutors, law enforcement officers and defense attorneys, has conducted hearings, reviewed scientific evidence, consulted experts, and listened to personal testimonials. Based on this evidence, the Commission has issued a series of unanimous recommendations for reforms needed to prevent wrongful convictions in this state. These bills will implement the most basic and most urgently needed reforms. Specifically,

- o SB 511 will require electronic recording of custodial interrogations in violent felony cases. Research has shown that recording of interrogations is the best method to detect and prevent false confessions.
- o SB 609 will require corroboration of testimony by jailhouse informants. We know that informants often lie to get out of jail. Thus, we should require some evidence to show they are telling the truth.
- o SB 756 will require the Attorney General to issue guidelines for eyewitness identification procedures. Scientific research shows that there are better ways to conduct lineups than are now used.

I understand that bills similar to SB 511 and SB 756 crossed your desk last year, but were vetoed. The authors of the current bills have made the necessary changes to address your veto messages and now present you with an opportunity to enact these vital reforms. legislation. By adopting these bills, California will lead the way and serve as a model for much needed criminal justice reform around the country. I strongly support the legislative reforms recommended by the California Commission on the Fair Administration of Justice and encourage you to sign SB 511, 609, and 756.

Sincerely,



Rodney Ellis
Texas State Senator

cc:

Mrs. Maria Shriver, First Lady of California

Mr. Barry Scheck

The Honorable Gloria Romero, California State Senator

The Honorable Mark Ridley-Thomas, California State Senator

The Honorable Elaine Alquist, California State Senator

The Honorable Mark Leno, California Assembly Member, Appropriations Chair

California Commission on the Fair Administration of Justice