



## California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

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June 28, 2007

Gerald F. Uelmen, Executive Director  
Chris Boscia, Executive Assistant  
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 and Mr. Boscia:

We write to you in our formal capacity as the representative of the California State Sheriffs Association (CSSA) to the California Commission on the Fair Administration of Justice and as the President of CSSA respectively, to express our opposition to the three bills sponsored by the Commission. We strongly agree that the issues addressed therein are among the most important issues of the day – recorded interrogations, witness identification and informant testimony – but we do not agree that the solutions contemplated in these bills are sound public safety policy.

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

We respectfully suggest that the contents of SB 511 and SB 609 are better left in the hands of a jury and to the discretion of judges, prosecutors and defense attorneys than placed in the statute as the bills currently provide. Simply put, these two bills 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 (Midgen, 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's 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 mandatory guidelines and policies for the collection and handling of eyewitness evidence.*

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*... 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."*

CSSA values being represented on the Commission and we very much recognize the importance of the issues being addressed, but that does not mean we endorse the legislation being proposed by the Commission to remedy those issues. In fact, as outlined above, we oppose these measures.

Thank you for your attention to our positions on SB 511, SB 609 and SB 756. Please don't hesitate to contact us if you have any questions or wish to discuss these matters in further detail. We can be reached at 831-646-4080 for Sheriff Curtis Hill and 408-808-4904 for Sheriff Laurie Smith.

Respectfully submitted,



Curtis Hill, Sheriff  
San Benito County



Laurie Smith, Sheriff  
Santa Clara County  
CSSA President

CJH/LS/cmc

cc: The Honorable Governor Arnold Schwarzenegger  
The Honorable Elaine Alquist, Member of the Senate  
The Honorable Gloria Romero, Member of the Senate  
The Honorable Mark Ridley-Thomas, Member of the Senate  
All California Sheriffs  
Chief Richard Word, President – California Police Chiefs' Association  
The Honorable Gerald Shea, President – California District Attorneys' Association  
Ron Cottingham, President – PORAC  
Steve Szalay, CSSA Executive Director  
Nick Warner, CSSA Legislative Director