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DEMOCRATIC PARTY OF THE SAN FERNANDO VALLEY

April 11, 2021

RE: DPSFV Supports Assembly Bill 679 [Criminal Trials: Testimony of In-custody Informants]

Representatives of the Honorable San Fernando Valley Delegation:

On behalf of the Democratic Party of the San Fernando Valley (DPSFV), we are pleased to report that our Executive Board voted to support AB 679, which protects against wrongful convictions by eliminating law enforcement's use of incentivized in-custody informants in felony prosecutions.

We urge you to please support this important piece of legislation.

DPSFV was founded in 1978 and is chartered by the Los Angeles County Democratic Central Committee. Our organization is the coordinating body for a coalition of twenty-one Democratic Clubs located in the six Assembly Districts (38, 39, 43, 45, 46, and 50) which are wholly or partially in the San Fernando Valley.

The DPSFV Political Action Committee met last month to discuss AB 679 and voted to recommend that the DPSFV Executive Board support this vital piece of legislation. The committee noted that incentivized in-custody informants have proven to be a significant cause of wrongful convictions. While our state has made efforts to regulate the use of incentivized in-custody informants, this has not deterred the practice as evidenced by the recent widely criticized scandal in Orange County. Law enforcement's offer of benefits in return for providing information incentivizes those in custody to fabricate information and testimony against innocent individuals in exchange for these benefits.

If an in-custody informant is called to testify by the prosecution, current law requires a written statement to be filed listing any incentives offered to the informant. Additionally, the Court is required to instruct the jury to evaluate testimony with due scrutiny (PC 1127a). However, many instances have occurred over the past 30 years in which these requirements were not followed, additionally, studies have shown that even when a jury hears the incentives provided to an informant and their "profession" of informing on other inmates, juries still believe them, proving that these attempted safeguards are not sufficient to protect against wrongful convictions.

AB 679 seeks to prevent wrongful convictions by making inadmissible incentivized in-custody informant testimony or information obtained from an in-custody informant in felony prosecutions. Additionally, AB 679 broadens the definition of an "in-custody informant" to include statements made by a defendant or suspect while they and the informant were in custody of law enforcement in any form (not just limited to city/county jail, state penal institution or correctional institution).

These safeguards will ensure that there are no further wrongful convictions or attacks on the integrity of a prosecution as a result of false testimony by jailhouse informants acting in their own self-interest. We urge you to support AB 679.

Please note that DPSFV will be tracking this bill as it travels through the Legislature. Your voting record will be noted and may be considered should you ever seek our endorsement. Your office is always welcome to contact DPSFV if you have any questions.

Sincerely and respectfully,



Chair Sean M. Rivas
Democratic Party of the San Fernando Valley

cc: Assembly Members Rivas, Friedman (Author), Gabriel, Nazarian, and Bloom
Senators Hertzberg, Portantino, Stern and Allen

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