



April 8, 2009

Honorable Kevin de Leon, Member
California State Assembly
State Capitol, Room 2114
Sacramento, CA 95814

RE: AB 955 – SUPPORT

Dear Assemblymember de Leon:

The Riverside Sheriffs' Association, which represents over 3,200 rank and file deputy sheriffs, sheriffs, deputy probation officers, law enforcement investigators and counselors, coroners and bailiffs – the entire law enforcement team in Riverside County - supports your bill, AB 955.

On April 17, 2008, the California Supreme Court ruled in *Mays v. City of Los Angeles* (43 Cal. 4th 313) that the Court of Appeals erred in interpreting section 3304 (d), requiring notice of specific proposed punishment, and that “although the agency is not precluded from proposing specific discipline at that time, it is not required by Section 3304 (d) to do so.” This means that the original intent of GC 3304 (d), to limit the investigation and notice of proposed discipline to one year, has been completely misconstrued and, in effect, overturned. The language in this bill would simply clarify the original intent and restore the protection of GC 3304 (d) that was in effect prior to this case.

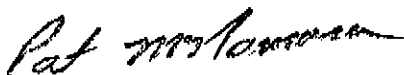
Government Code Section 3304 (d) was placed into the statute to protect officers from the management practice of capriciously opening an investigation on an officer, often times putting that officer on administrative leave, and then dragging that investigation out over a long period of time. These investigations would sometimes take years to complete. It is extremely difficult when employees are put on administrative leave for long periods of time. Many times, management has used this investigative tool as

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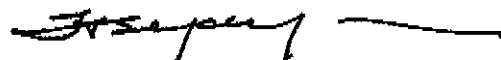
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discipline or punishment for an employee they did not personally care for, knowing full well that eventually when the case goes to court, the officer would likely be reinstated with full pay. At that point, the damage has been done.

Very truly yours,



Pat McNamara
President



Timothy H. B. Yaryan
Legislative Counsel and Advocate

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cc: Assembly Committee on Public Safety
RSA

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