



Same Page/Misma Pagina Coalition

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June 22, 2009

Honorable Mary Hayashi, Chair
Assembly Business & Professions Committee
1020 N Street, Rm. 204
Sacramento CA 95814

RE: SB 202 – SUPPORT

Supporting organizations:

- California League of United Latin American Citizens
- LULAC Councils 3122, 3036, and 3150
- San Fernando Valley Chapter of Mexican American Political Association
- San Fernando Valley/Northeast Los Angeles, San Gabriel Valley/Whittier, Los Angeles South, and Sonoma County Chapters of the National Organization for Women
- Stonewall Democratic Club of Los Angeles
- Adelanto Committee of Watts

Supporting Individuals:

- Norma Ramirez, President, LULAC Council 3122 (San Fernando Valley)
- Jose Luis Ramirez, President, SFV Chapter MAPA
- Cynthia Conover, Activist Liaison, SFV/NELA NOW
- Linda Pruett, Co-President, SFV/NELA NOW
- Jeffrey Prang, City Council Member, West Hollywood (Title for ID only)
- Ramon Miramontes, Member, Pasadena Board of Education (Title for ID only)

- **Marguerite Buckley, retired attorney**
- **Pamela Narcisse, President, Adelanto Committee**
- **Malinda Rosell, President, Los Angeles South NOW**
- **Joseph Paoella, Retired U.S. Secret Service, member LULAC Council 3150**
- **Roger Jon Diamond, Attorney at Law**

Honorable Assembly Member Hayashi:

SB 202 was initially endorsed by the three member organizations of the Same Page/Misma Pagina Coalition, SFV/NELA NOW, SFV MAPA, and SFV LULAC. The Same Page/Misma Pagina Coalition in turn solicited and received the support of the other organizations and individuals listed above for this important legislation.

Most of the issues we have raised are separate and distinct concerns from those raised by the California Association of Licensed Investigators (CALI), the bill's sponsor. Furthermore, the issues we have consistently raised have been **ignored** by the opponents of the bill as though the need for Mandatory Continuing Education (MCE) for private investigators is solely of concern to private investigators and as if there is not a larger community of interest for this legislation.

As recently as Sunday, June 14, 2009, the State Convention of the League of United Latin American Citizens (CA LULAC) unanimously adopted the following resolution in support of SB 202:

Whereas, SB 202 will require private investigators like virtually every other licensed profession in California, to undergo mandatory continuing education to retain their licenses;

And whereas, since 80% of all private investigators are former law enforcement officers who have little or no training regarding family law and civil practice procedures, laws, ethics and regulations, it is imperative that such additional training be required to insure consumers are better served and the public protected;

And whereas, training in the science and ethics of eyewitness identification procedures can help alleviate wrongful convictions, most of which victimize Latinos, African Americans and other minority groups;

Therefore be it resolved that California LULAC supports the passage of SB 202.

Additionally, concerns of the civil rights community vis a vis SB 202 include the lack of knowledge of private investigators first entering the industry following a career in law

enforcement as to Family Law issues. We believe that this bill to require private investigators to complete 12 hours of mandatory continuing education (MCE) every two years will be especially beneficial to women and children because of the often crucial role that private investigators play in family law issues. The specific requirements of 2 hours each in ethics, legal updates, and privacy rights are crucial to insuring that the public and especially women and children in vulnerable legal predicaments are protected from inept and/or corrupt investigators.

80% or more of private investigators are former law enforcement officers. Because police officers deal with criminal matters, there is no reason for them ever to know the legalities behind the service of process in family law matters, or for that matter, any civil process.

For example, police officers receive no training in whether "substituted service" is permissible for a summons and complaint in civil proceedings or family law proceedings (it is). If all they have to rely on are television portrayals of process service, they may think that they can only serve the defendant personally, leading to unnecessary court delays. Delay of proceedings can be devastating when a woman needs to get child support ordered. Delay of proceedings all too often results in a woman and her children winding up homeless.

Eventually, when a former law enforcement officer turned private investigator finds out that they can serve a summons and complaint (often by word of mouth or happenstance) by substituted service, they may also mistakenly think that subpoenas and family law orders to show cause (OSC) documents can likewise be "sub-served." They can't, and failure to know those laws can again lead to delays of proceedings. These are examples of reasons that necessitate the formality of MCE for private investigators.

Another example of the extreme importance of training in ethics, privacy, and legal updates involves the laws concerning stalking. Several years ago, with the support of SFV/NELA NOW and the California Association of Licensed Investigators, the legislature passed Sharon Runner's bill to prevent people who are the subject of restraining orders from using somebody else to locate the address of a protected person. That law was introduced because of a private investigator who did not realize that he was being "used" by a husband who was stalking his ex-wife. It was amended to insure that nobody, whether an investigator or not, could be used in this fashion. While organizations like CALI educate their members about these laws on a voluntary basis, most private investigators don't belong to PI associations and hence have no way of knowing that this practice is illegal and what they should do to avoid being put in that position.

Additionally, there is no reason for a former law enforcement officer to know the legalities of family law surveillance. For instance, when is it legal to put a GPS tracking device on a car and when is it unlawful? Whereas it was legal for law enforcement to tape record any conversation they are a party to, when is it legal and illegal to do so as a private investigator and what is the specific application of the Family Code to secretly

recording conversations for use in family court? These are NOT issues that would be covered by P.O.S.T. training or in-house training in normal police departments, but which are covered in continuing education provided by private investigator organizations and training academies.

MCE also helps keep the costs of investigation down, which is of the utmost importance to women and children caught in family law disputes, especially when they are attempting to track down "deadbeat dads" and their assets or income. It is important for private investigators to learn the most efficient and cost effective means of locating people, property and income in ways that are lawful.

A case on point is Anthony Pellicano, who thought that he was too brilliant to attend continuing education classes and frequently resorted to illegal and more expensive means to obtain information when he could just as easily have obtained the information lawfully, less expensively, and in some cases, for free. Telephone tapes that Pellicano made of his routine office calls demonstrate that when asked by attorneys or clients to get "reverse information" on telephone numbers, he simply called his telephone company contacts -- in violation of the Public Utilities Code -- rather than even try to use lawful means of obtaining the information.

These are amongst the reasons why our organizations are backing SB 202. We ask for an "aye" vote.

Respectfully Yours,

A handwritten signature in blue ink, appearing to read "Jan B. Tucker", with a stylized flourish at the end.

Jan B. Tucker
Co-President, SFV/NELA NOW
National Commissioner for Civil Rights & State Board Parliamentarian, LULAC