S243855

IN THE SUPREME COURT OF CALIFORNIA

ASSOCIATION FOR LOS ANGELES DEPUTY SHERIFFS,
Petitioner,

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES,
Respondent.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT et al.,
Real Parties in Interest.

On Review from the Court of Appeal
For the Second Appellate District, Division 8, Case No. B280676

After a Writ Proceeding from the Superior Court of Los Angeles County
Hon. James C. Chalfant, Case No. BS166063

PETITIONER'S BRIEF REGARDING SB 1421

THE GIBBONS FIRM, PC
*ELIZABETH J. GIBBONS [SBN 147033]
811 Wilshire Boulevard
17th Floor
Los Angeles, California 90017-2606
(323) 591-6000 (tel)
E-mail: egibbons@thegibbonsfirm.com

BENEDON & SERLIN, LLP
DOUGLAS G. BENEDON [SBN 110197]
*JUDITH E. POSNER [SBN 169559]
22708 Mariano Street
Woodland Hills, California 91367-6128
(818) 340-1950 (tel)
(818) 340-1990 (fax)
E-mail: douglas@benedonserlin.com
E-mail: judy@benedonserlin.com

Attorneys for Petitioner
ASSOCIATION FOR LOS ANGELES DEPUTY SHERIFFS

S243855

IN THE SUPREME COURT OF CALIFORNIA

ASSOCIATION FOR LOS ANGELES DEPUTY SHERIFFS,
Petitioner,

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES,
Respondent.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT et al.,
Real Parties in Interest.

On Review from the Court of Appeal
For the Second Appellate District, Division 8, Case No. B280676

After a Writ Proceeding from the Superior Court of Los Angeles County
Hon. James C. Chalfant, Case No. BS166063

PETITIONER'S BRIEF REGARDING SB 1421

THE GIBBONS FIRM, PC
*ELIZABETH J. GIBBONS [SBN 147033]
811 Wilshire Boulevard
17th Floor
Los Angeles, California 90017-2606
(323) 591-6000 (tel)
E-mail: egibbons@thegibbonsfirm.com

BENEDON & SERLIN, LLP
DOUGLAS G. BENEDON [SBN 110197]
*JUDITH E. POSNER [SBN 169559]
22708 Mariano Street
Woodland Hills, California 91367-6128
(818) 340-1950 (tel)
(818) 340-1990 (fax)
E-mail: douglas@benedonserlin.com
E-mail: judy@benedonserlin.com

Attorneys for Petitioner
ASSOCIATION FOR LOS ANGELES DEPUTY SHERIFFS

Table of Contents

Page(s)

Table of Authorities

Page(s)

Cases

Statutes

Pen. Code,

Texts

S243855

IN THE

SUPREME COURT OF CALIFORNIA

ASSOCIATION FOR LOS ANGELES DEPUTY SHERIFFS,
Petitioner,

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES,
Respondent.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT et al.,
Real Parties in Interest.

On Review from the Court of Appeal
For the Second Appellate District, Division 8, Case No. B280676

After a Writ Proceeding from the Superior Court of Los Angeles County
Hon. James C. Chalfant, Case No. BS166063

PETITIONER'S BRIEF REGARDING SB 1421

INTRODUCTION

This brief responds to the Court's January 2, 2019 order in which it directed the parties to file supplemental briefs on the following issue: "What bearing, if any, does SB 1421, signed into law on September 30, 2018, have on this court's examination of

the question presented for review in the above-titled case?" The answer is that SB 1421 does not impact the question presented for review in this case.

The question presented for review in this case asks whether, "[w]hen a law enforcement agency creates an internal *Brady* list (see Gov. Code, § 3305.5), and a peace officer on that list is a potential witness in a pending criminal prosecution, may the agency disclose to the prosecution (a) the name and identifying number of the officer and (b) that the officer may have relevant exonerating or impeaching material in his or her confidential personnel file, or can such disclosure be made only by court order on a properly filed *Pitchess* motion? (See *Brady v. Maryland* (1963) 373 U.S. 83; *People v. Superior Court (Johnson)* (2015) 61 Cal.4th 696; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531; Pen. Code, §§ 832.7-832.8; Evid. Code, §§ 1043-1045.)" As demonstrated in the answer brief on the merits and in the response to amici curiae briefs filed by petitioner Association for Los Angeles Deputy Sheriffs (ALADS), the answer to this question is that the disclosure can be made from law enforcement to the prosecution only by court order on a properly filed motion

under the statutory scheme enacted after this Court's decision in *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 (*Pitchess*).

The reason that *Pitchess* compliance is required before law enforcement can disclose to the prosecution a peace officer's identifying information in connection with the possibility of relevant exonerating or impeaching material in his or her personnel file is historical. Forty-plus years of interplay between the duty of a prosecutor to provide relevant exonerating or impeaching material to a criminal defendant under *Brady v. Maryland* (1963) 373 U.S. 83 (*Brady*) and its progeny and a peace officer's conditional right to privacy in his or her personnel record pursuant to the *Pitchess* statutes demonstrate that the two schemes work in tandem.

Brady and its progeny do not create a right to discovery in a criminal case, but rather ensure that a defendant received a fair trial based on knowledge of exculpatory or impeaching information material on the question of his or her guilt. The *Pitchess* statutes enable a defendant in some circumstances to compel discovery of information in a peace officer's personnel record that is relevant to his or her ability to defend against a

criminal charge. Under these two schemes, if either the prosecution or the defense wants to obtain information in a peace officer's personnel record for use in a criminal case, it must do so through the *Pitchess* statutes. The case law, the statutes, public policy, and practical considerations dictate nothing more.

SB 1421 does not change this analysis. SB 1421, as it amended Penal Code section 832.7, was enacted as a transparency law to allow the public to request under the Public Records Act limited information from peace officer personnel records regarding certain types of serious misconduct.[1] By its terms, and as reinforced in its legislative history, SB 1421 has nothing to do with a criminal defendant's access to information about a peace officer. SB 1421 specifically left in place the confidentiality of peace officer personnel records, save for the ability of a member of the public to make a Public Records Act request for a peace officer personnel record related to certain types of serious misconduct. In fact, SB 1421 expressly says that it does not change the *Pitchess* procedure in a criminal case

---

1 Statutory references are to the Penal Code unless otherwise noted.

for discovery or admissibility of evidence from a peace officer's personnel record. Thus, nothing about SB 1421 sanctions the disclosure from law enforcement to the prosecution of disciplinary information in a peace officer's personnel record absent a court order after *Pitchess* compliance.

In sum, a court order after *Pitchess* compliance is required before law enforcement can disclose to the prosecution disciplinary information in a peace officer's personnel record. SB 1421 does not alter this result. Rather, its express terms and legislative history demonstrate that the confidentiality of peace officer personnel records in a criminal case still is intact and the Legislature in enacting SB 1421 did not change *Pitchess* procedure in the context of discovery or admissibility of evidence in a criminal case. As a result, SB 1421 only reinforces that this Court should affirm the decision of the Court of Appeal.

LEGAL DISCUSSION

I.

A LAW ENFORCEMENT AGENCY MAY NOT DISCLOSE TO THE PROSECUTION PEACE OFFICER IDENTIFYING INFORMATION IN CONNECTION WITH DISCIPLINE ABSENT *PITCHESS* COMPLIANCE.

As ALADS demonstrated in its briefs before the Court, the desire of real parties in interest the Los Angeles Sheriff's Department et al. (Department) to create a list of deputy sheriffs whose records it believes contain potential exculpatory or impeachment information under *Brady* and provide those names to the prosecution runs afoul of the *Pitchess* statutes. This conclusion is based on several important principles.

For starters, *Brady* and its progeny require the prosecution to disclose exculpatory or impeaching evidence that is material on the question of the defendant's guilt. (*Brady*, *supra*, 373 U.S. at p. 87; *Giglio v. United States* (1972) 405 U.S. 150, 154-155.) The prosecution's duty extends to information gathered during a criminal investigation. (*In re Brown* (1998) 17 Cal.4th 873, 879.) In this regard, the prosecutor makes the determination of

materiality. (*United States v. Lucas* (9th Cir. 2016) 841 F.3d 796, 809.) *Brady* looks retrospectively to evaluate whether a defendant received a fair trial based on knowledge of exculpatory or impeaching material on the question of his or her guilt. It, therefore, is not a vehicle for discovery in a criminal case. (*People v. Gutierrez* (2003) 112 Cal.App.4th 1463, 1472 (*Gutierrez*).)

The *Pitchess* statutory scheme, on the other hand, is a vehicle for discovery in a criminal case. Under the *Pitchess* statutes, the prosecution or defense in a criminal case, or civil litigants for that matter, can seek disclosure of information in peace officer personnel records under the procedures specified in Evidence Code sections 1043 and 1045. (§ 832.7, subd. (a).) Thus, *Pitchess* compliance, the vehicle for discovery of information in peace officer personnel records, is the method by which the prosecution or the defense may obtain information from peace officer personnel records when it is material to a criminal prosecution. (*Gutierrez*, *supra*, 112 Cal.App.4th at p. 1474 ["statutory *Pitchess* procedures implement *Brady* rather than undercut it"].)

The Department here has failed to recognize both the distinction between *Brady* and *Pitchess* as well as the long-standing ability of the two schemes to work in tandem. Instead, it has created its own so-called Brady list of deputies thought potentially to have exculpatory or impeaching information in their personnel records and sought to give that list to the prosecution. It has created this list even though a "'Brady list' means any system, index, list, or other record containing the names of peace officers whose personnel files are likely to contain evidence of dishonesty or bias, *which is maintained by a prosecutorial agency or office* in accordance with the holding in *Brady* . . . ." (Gov. Code, § 3305.5, subd. (e), italics added.) The Department, therefore, has relied on *Brady* as a basis for permission to turn over protected information to the prosecution absent *Pitchess* compliance. As the Court of Appeal concluded, such proposed disclosure violates the *Pitchess* statutes.

Given the Legislature recently amended certain of the *Pitchess* statutes in enacting SB 1421, effective January 1, 2019, this Court's question on the impact, if any, of SB 1421 on the issue presented for review in this case is understandable. But,

as demonstrated below, SB 1421 has no impact on the resolution of this case. If anything, its express terms and legislative history highlight the impropriety of the Department's proposed practice of turning over to the prosecution peace officer identifying information in connection with discipline absent *Pitchess* compliance.

II.

SB 1421, AS IT AMENDED SECTION 832.7, DOES NOT IMPACT THE NEED FOR *PITCHESS* COMPLIANCE FOR A LAW ENFORCEMENT AGENCY TO DISCLOSE TO THE PROSECUTION PEACE OFFICER IDENTIFYING INFORMATION IN CONNECTION WITH DISCIPLINE.

A. SB 1421 Relates Only to Public Inspection of Information Under the Public Records Act for Narrow Categories of Records Related to Serious Officer Misconduct.

SB 1421, as it amended section 832.7, created certain narrow exceptions to the *Pitchess* statutes. None of the exceptions, however, encompasses the disclosure by law enforcement to the prosecution of a peace officer's identifying

information in connection with discipline. On the contrary, the express terms of SB 1421, and its legislative history, demonstrate it was written to keep the *Pitchess* statutes intact as they apply in this case. We explain.

After the enactment of SB 1421, peace officer personnel records maintain their confidential nature, now subject to limited exceptions. In other words, but for the exceptions, "the personnel records of peace officers . . ., or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 104[5] of the Evidence Code." (§ 832.7, subd. (a).) Thus, we start from the same premise of confidentiality for peace officer personnel records.

Against this premise of confidentiality, we then examine the exceptions. The exceptions have nothing to do with the disclosure of peace officer identifying information in connection with discipline by law enforcement to the prosecution. In fact, the exceptions relate only to *public* access to information under the Public Records Act. (§ 832.7, subd. (b)(1) [exceptions allow for "public inspection" under the Public Records Act].) The law

was written with the goal of public access "[t]o improve law enforcement accountability and enhance trust between law enforcement and residents . . . ." (Sen. Bill 1421 March 9, 2018 Factsheet (Reg. Sess. 2017-2018), as amended March 2018, p. 1.) By definition, therefore, the exceptions do not apply in this case involving law enforcement disclosures, but rather only to a request for information by a member of the public under the Public Records Act.

In addition to their application to public inspection only, the exceptions are limited in scope to defined categories of serious misconduct. The only type of information available for public inspection under the Public Records Act under SB 1421 is:

- "A record relating to the report, investigation, or findings of" (1) "[a]n incident involving the discharge of a firearm at a person by a peace officer . . ."; or (2) "[a]n incident in which the use of force by a peace officer . . . against a person resulted in death, or in great bodily injury." (§ 832.7, subd. (b)(1)(A)(i) & (ii).)

- "Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer . . . engaged in sexual assault involving a member of the public." (§ 832.7, subd. (b)(1)(B)(i).)
- "Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer . . . directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer . . ., including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence." (§ 832.7, subd. (b)(1)(C).)

SB 1421 then provides exceptions to its exceptions, such as to limit disclosure of information during a pending criminal or administrative investigation. (§ 832.7, subd. (b)(7).) SB 1421 thus permits only requests for public inspection of information

under the Public Records Act for limited categories of peace officer personnel records relating to specified serious misconduct.[2]

Given that under SB 1421 the premise of confidentiality of peace officer personnel records remains intact, with exceptions for only public inspection under the Public Records Act of limited categories of information involving defined serious misconduct, SB 1421 is narrow. Its own author described the bill as "narrow." (Sen. Standing Com. on Public Safety, Hearing of April 17, 2018 regarding Sen. Bill No. 1421 (Reg. Sess. 2017-2018) p. 1.) And reports on the bill note that "SB 1421 opens

---

[2] As the legislative history explains, SB 1421 relates to only the most serious types of officer misconduct. "[SB 1421] loosens the protections afforded to specified peace officer records relating to use of force, sexual assault on a member of the public and pertaining to dishonesty in reporting, investigating, or prosecuting a crime." (Assem. Com. on Public Safety, Rep. on Sen. Bill No. 1421 for June 26, 2018 Hearing (2017-2018 Reg. Sess.) as amended June 19, 2018, p. 5.) "The bill is drafted with the purpose of "allowing local law enforcement agencies and law enforcement oversight agencies to provide greater transparency around only the most serious police complaints." (Sen. Com. on Public Safety, Rep. on Sen. Bill No. 1421 for April 17, 2018 Hearing (Reg. Sess. 2017-2018) as amended Apr. 2, 2018, p. 8.) Some of the categories of serious misconduct in SB 1421 overlap with the performance deficiencies that could land a deputy on the Department's own Brady list. But the Department includes a much broader scope of conduct, which covers even acts of much less seriousness, such as a deputy's providing false information on a time record on one occasion. (See 1 PWM Exhs. 19-20.)

police officer personnel records in very limited cases . . . ." (Sen. Com. on Public Safety, Rep. on Sen. Bill No. 1421 for April 17, 2018 Hearing (Reg. Sess. 2017-2018) as amended Apr. 2, 2018, p. 8.) The legislative history thus confirms what SB 1421 says: Peace officer personnel records are confidential but for public inspection under the Public Records Act in narrow respects.

B. SB 1421 Specifically Maintains the *Pitchess* Procedure for Criminal Cases.

In addition to being limited to public inspection of information for narrow categories of records, SB 1421 specifically retains the *Pitchess* procedure for disclosure of information from peace officer personnel records in criminal cases. According to the express language of section 832.7, as amended by SB 1421, "[t]his section does not affect the discovery or disclosure of information contained in a peace . . . officer's personnel file pursuant to Section 1043 of the Evidence Code." (§ 832.7, subd. (g).) "This section [also] does not supersede or affect . . . the admissibility of personnel records pursuant to subdivision (a), which codifies the court decision in *Pitchess v. Superior Court*

(1974) 11 Cal.3d 531." (§ 832.7, subd. (h).) Thus, with respect to discovery and admissibility of evidence from peace officer personnel records in criminal cases, nothing has changed by virtue of SB 1421.

SB 1421's legislative history again confirms what section 832.7 now expressly says, namely, that it does not impact the disclosure of information outside of a request by a member of the public under the Public Records Act for certain peace officer records. In other words, SB 1421 has nothing to do with disclosure of information for use in a criminal case. The legislative history explains, "This bill specifically states that its provisions do not affect or supersede the criminal discovery process, or the admissibility of peace officer personnel records. The purpose of the bill is to give the general public, *not a criminal defendant*, access to otherwise confidential police personnel records relating to serious police misconduct in an effort to increase transparency." (Assem. Com. on Public Safety, Rep. on Sen. Bill No. 1421 for June 26, 2018 Hearing (2017-2018 Reg. Sess.) as amended June 19, 2018, p. 8, italics added.) The legislative history also recognizes that "[t]he prosecution,

like the defense, cannot discover peace officer personnel records without first following the *Pitchess* procedure. (*Alford v. Superior Court* (2003) 29 Cal.4th 1033, 1046.)" (*Ibid.*) SB 1421, therefore, does not impact *Pitchess* procedure, but rather permits only the public to make a Public Records Act request for certain information in peace officer personnel records relating to defined serious misconduct.

In short, SB 1421 is transparency legislation written to allow the public to request access to certain peace officer personnel records. It is not legislation for criminal defendants. SB 1421, therefore, keeps the *Pitchess* statutes and their procedure intact for purposes of a criminal case.

C. Based on Its Express Terms and Legislative History, SB 1421 Has No Impact on the Need for *Pitchess* Compliance Before Law Enforcement Can Disclose Peace Officer Identifying Information in Connection with Discipline.

As noted, SB 1421 was enacted with the specific purpose of public transparency and contains express language indicating it does not apply in the context of a criminal case. Its legislative

purpose and plain language show that it has no bearing on the issue presented for review in this case, namely, the propriety of a disclosure from law enforcement to the prosecution of a peace officer's identifying information in connection with discipline absent a court order after *Pitchess* compliance.

Here, the Department attempts to use *Brady* as a hook to permit it to disclose protected information without *Pitchess* compliance. But, as demonstrated, reliance on *Brady* does not work. SB 1421 does not better the Department's argument.

The Department seeks to create its own so-called Brady list of deputies whose personnel files, it believes, may contain potential exculpatory or impeaching evidence and give that information to the prosecution. SB 1421 does not address, let alone sanction, the Department's proposal. SB 1421 relates only to public access to certain peace officer personnel records related to serious misconduct. It leaves in place the *Pitchess* procedure for discovery and admissibility of peace officer personnel records in a criminal case. Consequently, SB 1421 does not enhance the Department's position that it can disclose protected information to the prosecution under the guise of *Brady* without *Pitchess*

compliance. As the California District Attorneys Association acknowledges, "[t]aken at face value, the language in [section 832.7,] subdivision (h), that the statute does not affect the criminal discovery process, would suggest the answer that SB 1421 *has no bearing* on the question presented for review." (Jan. 16, 2019 Supp. Brief, p. 10, italics added, fn. omitted.)

The express language and legislative history of SB 1421 indicate the Legislature sought to address transparency of records as it relates to public access. The Legislature did not implement any change in the law sanctioning the Department's proposed disclosure of information in this case. On the contrary, the Legislature maintained the premise of confidentiality of peace officer personnel records, save for the limited exceptions for public access to certain records related to serious misconduct. The Legislature also directly stated that it was not changing *Pitchess* with respect to discovery or admissibility of evidence in a criminal case. In these respects, the Legislature confirmed *Pitchess* procedure as it applies to the Department's proposed release of protected information to the prosecution.

Allowing SB 1421 to impact the disclosure of peace officer identifying information in connection with discipline by law enforcement to the prosecution would directly contradict legislative intent. The Legislature could have amended or eliminated the *Pitchess* statutes with regard to their protection of peace officer personnel records in criminal cases. It did not. It also could have created an exception for disclosure of peace officer identifying information in connection with discipline by law enforcement to the prosecution. Indeed, the Court of Appeal's decision in this case had been published for months when the Legislature was debating and enacting SB 1421. Thus. the Legislature could have addressed law enforcement's disclosure to the prosecution of information from peace officer personnel records in a criminal case had it wanted to do so. It did not.

Instead, the Legislature specifically left in place the confidentiality of peace officer personnel records and the *Pitchess* procedure for purposes of a criminal case. It amended only the public's right to request information in specific categories of serious misconduct. Thus, to use SB 1421 in any broader context, such as to justify the disclosure of protected information

by law enforcement to the prosecution absent *Pitchess* compliance, would be improper. This Court should respect the boundaries the Legislature set in enacting SB 1421.

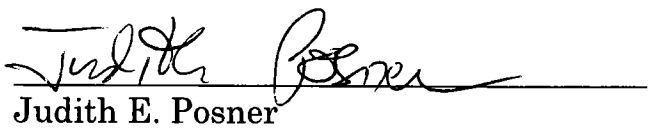
CONCLUSION

SB 1421 does not alter the analysis of the question for review. Rather, it confirms the viability of the *Pitchess* statutes and their applicability to the release by law enforcement to the prosecution of a peace officer's identifying information in connection with discipline pursuant to law enforcement's own so-called Brady list. This Court should affirm the Court of Appeal's decision in the matter.

Dated: February 22, 2019

THE GIBBONS FIRM, PC
Elizabeth J. Gibbons

BENEDON & SERLIN, LLP
Douglas G. Benedon
Judith E. Posner



Judith E. Posner

Attorneys for Petitioner
ASSOCIATION FOR LOS ANGELES DEPUTY SHERIFFS

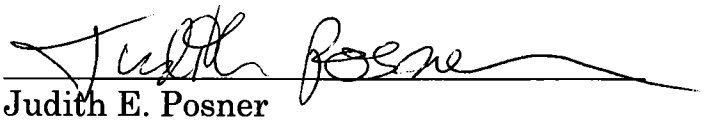
CERTIFICATE OF COMPLIANCE

Pursuant to California Rules of Court, rule 8.520(c)(1) & (e), I certify that the total word count of this Petitioner's Brief Regarding Senate Bill 1421, excluding covers, table of contents, table of authorities, and certificate of compliance is 3,254.

Dated: February 22, 2019

THE GIBBONS FIRM, PC
Elizabeth J. Gibbons

BENEDON & SERLIN, LLP
Douglas G. Benedon
Judith E. Posner



Judith E. Posner

Attorneys for Petitioner
ASSOCIATION FOR LOS ANGELES DEPUTY SHERIFFS

PROOF OF SERVICE
(C.C.P. § 1013a)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am over the age of eighteen (18) years and not a party to the within action. I am a resident of or employed in the county where the mailing took place. My business address is 22708 Mariano Street, Woodland Hills, California 91367-6128.

On February 22, 2019, I served the **PETITIONER'S BRIEF REGARDING SB 1421,** by enclosing a true and correct copy thereof in a sealed envelope as follows:

[X] **BY FIRST-CLASS U.S. MAIL:** I enclosed the document in a sealed envelope/package addressed to each addressee listed below and placed it for mailing, following our ordinary business practices. I am readily familiar with the mailing practice of my place of employment in respect to the collection and processing of correspondence and pleadings for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business with first-class postage fully prepaid.

The envelope(s) was/were addressed and mailed to all interested parties as follows:

Party	**Attorney**
Respondent: *Superior Court of* *Los Angeles County*	Frederick Bennett Superior Court of Los Angeles County 111 North Hill Street Room 546 Los Angeles, California 90012

Clerk of the Court	Clerk, Los Angeles Superior Court 111 North Hill Street Los Angeles, California 90012-3014
Appellate Court	Clerk, California Court of Appeal Second Appellate District Division Eight 300 South Spring Street Floor Two, North Tower Los Angeles, California 90013-1213
Respondent: *Hon. James Chalfant* *Los Angeles Superior Court*	Hon. James Chalfant Los Angeles Superior Court 111 North Hill Street Department 85 Los Angeles, California 90012
Co-Counsel for Petitioner: *Association for* *Los Angeles Deputy Sheriffs*	Elizabeth J. Gibbons The Gibbons Firm, PC 811 Wilshire Boulevard 17th Floor Los Angeles, California 90017-2606
Counsel for Real Parties in Interest: *Los Angeles County Sheriff's Department,* *Jim McDonnell and* *County of Los Angeles*	Geoffrey S. Sheldon James E. Oldendorph Alexander Y. Wong Liebert Cassidy Whitmore 6033 West Century Boulevard Fifth Floor Los Angeles, California 90045
Amicus Curiae: *Office of the Federal Public Defender of* *Los Angeles*	Alyssa D. Bell Federal Public Defender 321 East 2nd Street Los Angeles, California 90012

Amicus Curiae:
Jody D. Armour
W. David Ball
Lara Bazelon
Samantha Buckingham
Dean Erwin Chemerinsky
Gabriel "Jack" Chin
Beth A. Colgan
Sharon Dolovich
Ingrid Eagly
Carrie Hempel
Alex Kreit
Maximo Langer
Laurie Levenson
Justin Levitt
Eric J. Miller
Samuel Pillsbury
L. Song Richardson
Heidi Rummel
Jonathan Simon
Kelly Strader
Katie Tinto
Sherod Thaxton
Ronald Tyler
Rachel E. VanLandingham
Robert Weisberg
Kate Weisburd

Jonathan Abel
Fellow, Stanford Constitutional Law Center
Crown Quadrangle
559 Nathan Abbott Way
Stanford, California 94305

Amicus Curiae:
San Francisco Public Defender's Office

Dorothy K. Bischoff
Office of the Public Defender
555 7th Street
San Francisco, California 94103-4732

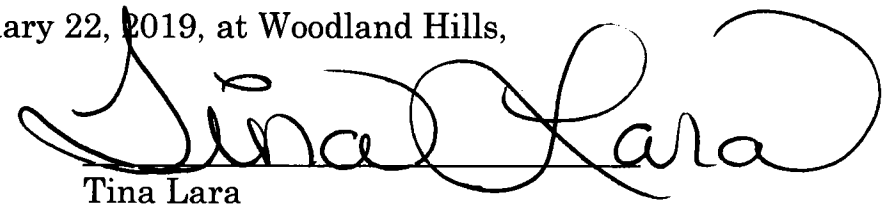
Amicus Curiae: *California District Attorneys Association*	Mark L. Zahner California District Attorney Association 921 11th Street, Suite 300 Sacramento, California 95814-4524 Michael D. Schwartz Office of the Ventura County District Attorney 800 S. Victoria Avenue Ventura, California 93009 Jerry P. Coleman District Attorney's Office 850 Bryant Street, Room 322 San Francisco, California 94103 Albert C. Locher Office of the District Attorney P O. Box 749 901 "G" Street Sacramento, California 95814
Amicus Curiae: *City and County of San Francisco and San Francisco Police Department*	Jeremy M. Goldman Office of the City Attorney of San Francisco 1 Dr. Carlton B. Goodlett Place San Francisco, California 94102
Amicus Curiae: *Attorney General of California*	Aimee A. Feinberg Office of the Attorney General 1300 I Street, Suite 125 Sacramento, California 95814

Amicus Curiae: *ACLU of Southern California*	Naeun Rim Benjamin N. Gluck Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C. 1875 Century Park East, Suite 2300 Los Angeles, California 90067 Peter J. Eliasberg Melanie R. Ochoa ACLU Foundation of Southern California, Inc. 1313 West Eighth Street Los Angeles, California 90017
Amicus Curiae: *ACLU of Northern California* *ACLU of San Diego and Imperial Counties* *Dignity and Power Now*	Naeun Rim Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C. 1875 Century Park East, Suite 2300 Los Angeles, California 90067
Amicus Curiae: *California Attorneys for Criminal Justice*	Alicia Virani Criminal Justice Program UCLA School of Law 405 Hilgard Avenue Los Angeles, California 90095 Stephen K. Dunkle Sanger Swysen & Dunkle 125 East De La Guerra Street Suite 102 Santa Barbara, California 93101-7163

Amicus Curiae: *California Public Defenders Association and Law Offices of the Public Defender for the County of Riverside*	Laura B. Arnold Office of the Public Defender 4200 Orange Street Riverside, California 92501
Amicus Curiae: *George Gascon*	Allison G. Macbeth Office of the San Francisco District Attorney 850 Bryant Street, Room 322 San Francisco, California 94103-4611
Amicus Curiae: *Riverside Sheriffs' Association, Los Angeles Police Protective League, Southern California Alliance of Law Enforcement and Los Angeles School Police Association*	Michael P. Stone Muna Busailah Robert Rabe Stone Busailah, LLP 1055 East Colorado Boulevard Suite 320 Pasadena, California 91106
Amicus Curiae: *League of California Cities*	Jennifer T. Buckman Bartkiewicz, Kronick & Shanahan, P.C. 1011 22nd Street Sacramento, California 95816

[X] (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 22, 2019, at Woodland Hills, California.



Tina Lara