

Case No.: S243855

SUPREME COURT  
FILED

MAR 08 2019

Jorge Navarrete Clerk

Deputy

**In The Supreme Court  
of the State of California**

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ASSOCIATION FOR LOS ANGELES DEPUTY SHERIFFS,  
*Petitioner,*

vs.

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

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

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*On Review From The Court Of Appeal For the Second Appellate District,  
Division 8  
Civil No.: B280676*

*After An Appeal From the Superior Court of Los Angeles County  
Judge James C. Chalfant  
Case Number BS166063*

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**REPLY OF REAL PARTY IN INTEREST THE COUNTY OF  
LOS ANGELES TO SUPPLEMENTAL BRIEFS ON THE IMPACT  
OF SB 1421 ON QUESTION PRESENTED FOR REVIEW**

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TO THE HONORABLE CHIEF JUSTICE TANI G. CANTIL-  
SAKAUYE AND THE HONORABLE ASSOCIATE JUSTICES OF THE  
SUPREME COURT OF THE STATE OF CALIFORNIA:

Real Party in Interest County of Los Angeles (hereinafter “County”) provides the following Reply to Supplemental Briefs, pursuant to this Court’s orders of January 2, 2019 and January 16, 2019. The County’s position remains that set forth in its Supplemental Brief filed February 25, 2019 regarding the effect of Senate Bill 1421 (“SB 1421”) on this case. In particular, while SB 1421 provides a mechanism for public inspection of certain materials and information that would ordinarily be subject to disclosure in a criminal prosecution under *Brady v. Maryland* (1963) 373 U.S. 83, nevertheless SB 1421 does not fully address the question whether a law enforcement agency may provide “*Brady* alerts” (i.e., disclosures of the names and identifying employee numbers of officers on an internal *Brady* list, along with the fact the officers may have relevant exonerating or impeaching material in their personnel files) to prosecutors absent a court order on a properly filed *Pitchess* motion. (See, County’s Supplemental Brief filed February 25, 2019, at p.5.)

The County wishes to respond specifically, however, to the *Amicus Curiae* Brief of the Peace Officers Research Association of California and Peace Officers Research Association of California Legal Defense Fund (collectively “PORAC”) filed February 28, 2019. PORAC’s Brief contains a lengthy discussion of an issue that is not directly relevant or responsive to the Court’s question, in particular the issue of whether SB 1421 should apply retroactively, or to peace officer records created before January 1, 2019. But retroactivity is a complex issue that lacks direct relevance to the current appeal or this Court’s specific question. It lacks direct relevance

because, as the County described in its Supplemental Brief, SB 1421 makes non-confidential only certain categories of potential *Brady* materials. A host of other types of *Brady* materials are outside the scope of SB 1421, and the issue regarding whether Departments can share such information through “*Brady* lists” remains.

As the County described to this Court, the issue of retroactivity does have indirect relevance to this case. If either the Court of Appeal or this Court determines that SB 1421 does not permit the disclosure of records relating to incidents occurring before January 1, 2019, this interpretation of the law will substantially narrow the already limited impact SB 1421 has on a criminal defendant’s ability to obtain *Brady* information. (See, County’s Supplemental Brief filed February 25, 2019, at p.18.) The need for this Court to decide this case will remain, and in fact even more peace officer records will be at issue if SB 1421 does not apply to pre-January 1, 2019 records. This potential impact, however, does not warrant this Court actually deciding the retroactivity issue in this case, particularly since no party or *amici* was on notice that a substantive discussion of the question of retroactivity would be injected into this matter.

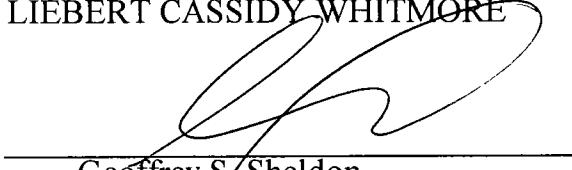
In light of the foregoing, the County does not believe that the Court should consider the issue of SB 1421’s retroactivity as part of this appeal.

If it is inclined to do so, however, the Court should give all parties and *amici* an opportunity to submit briefs of that issue.

Dated: March 7, 2019

LIEBERT CASSIDY WHITMORE

By:



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Geoffrey S. Sheldon  
Alex Y. Wong  
Attorneys for Real Party in  
Interest COUNTY OF LOS  
ANGELES

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: **6033 West Century Boulevard, 5th Floor, Los Angeles, California 90045.**

On **March 7, 2019**, I served the foregoing document(s) described as **REPLY OF REAL PARTY IN INTEREST COUNTY OF LOS ANGELES TO SUPPLEMENTAL BRIEFS ON THE IMPACT OF SB 1421 ON QUESTION PRESENTED FOR REVIEW** in the manner checked below on all interested parties in this action addressed as follows:

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**(BY U.S. MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**(BY OVERNIGHT MAIL)** By overnight courier, I arranged for the above-referenced document(s) to be delivered to an authorized overnight courier service, FedEx, for delivery to the addressee(s) above, in an envelope or package designated by the overnight courier service with delivery fees paid or provided for.

**(BY ELECTRONIC SERVICE)** By electronically mailing a true and correct copy through Liebert Cassidy Whitmore's electronic mail system from bprater@lcwlegal.com to the email address(es) set forth above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**(BY PERSONAL DELIVERY)** I delivered the above document(s) by hand to the addressee listed above.

Executed on **March 7, 2019**, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
 Cynthia Morris