

Memorandum to Attorneys
Re: Calendaring of *Pitchess* Motions for Hearing and Related Procedural Changes
Effective May 5, 2008

Effective Monday, May 5, 2008, for all motions filed on or after the effective date, hearings on *Pitchess* Motions will be scheduled by the Clerk of the Court on three (3), rather than five (5) days of the week in **Department 18**, before Commissioner Albers as follows:

Mondays at 10:30 A.M.
Tuesdays at 10:30 A.M.
Thursdays at 10:30 A.M.

By statute, all motions must be filed 16 court days prior to hearing. Under the current procedures used by the court, when personnel files are ordered produced either pursuant to stipulation or after argument, Police Legal delivers the files to the court 14 calendar days after the hearing date. Currently, the court then discloses the records 14 calendar days thereafter.

To accommodate and avoid any potential delays occasioned by the reduction in hearing dates, Police Legal has agreed to the following:

- When personnel files are ordered produced, Police Legal will deliver the files to the court in 10, rather than 14 calendar days. (Review time by the court remains unaltered.) This shorter time period will be reflected in the stipulations and the court will use this timeframe when ordering production after a hearing.
- Counsel for the Police Department will make every effort to offer a proposed stipulation in advance of the hearing. Defense counsel should provide all contact information on the motion, including telephone and fax numbers and an email address, to facilitate contact from Police counsel on a proposed stipulation.
- When the parties successfully reach and sign a stipulation, Police counsel will present the signed stipulation to the court on the hearing date. If the parties sign a stipulation before the hearing date, ***no appearance*** by defense counsel is necessary on the motion.
- This improved procedure should serve to avoid unnecessary court appearances. The stipulation will permit signatures by facsimile and will continue to specify the nature/categories of discoverable complaints as well as the date of disclosure of materials to defense counsel.

With these accommodations, counsel should be able to secure discovery pursuant to Evidence Code Section 1043 and *Pitchess v. Superior Court* more efficiently than was previously possible. With a specific time set for hearing, waiting time should be reduced where the parties do not enter a stipulation and a hearing on the motion is necessary.

This new hearing schedule and procedure has been crafted by the Court, City Attorney, Public Defender and BASF/IDA in an effort to streamline the procedure, reduce costs and create efficiencies for the court and counsel for the defense and police department. A 90 day trial period has been set, and all attorneys are encouraged to report efficiencies or problems with the new procedure to BASF/IDA by contacting Julie Traun at 415-782-9000 ext. 8653.