

Administrative Hearing Officers May Rule On Pitchess Motions Concerning Relevant Police Officer Personnel Records

In the mid-1970s, the case of *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, led to the enactment of a statute that provides, with limited exceptions, for the confidentiality of a correctional officer's personnel records unless a party can show good cause for disclosure through a motion (a.k.a., a *Pitchess* motion) to the court. In *Riverside County Sheriff's Department v. Jan Stiglitz, et al.* (Sept. 28, 2012) __Cal.App.4th__ (2012 WL 4466333), the court addressed the issue of whether a hearing officer in an administrative appeal of a correctional officer's termination hearing had the authority to rule on a *Pitchess* motion for the production of other officers' personnel records. The court of appeal found the hearing officer had the authority to do so.

A correctional officer was fired for falsifying time records. After filing an administrative appeal, the officer argued in her defense that other officers in the Sheriff's Department who falsified time records received lesser discipline than termination. To support this defense, the officer filed a *Pitchess* motion with the hearing officer requesting the discipline records of other officers who engaged in similar conduct. The hearing officer found good cause for the production of those records, and ordered the Department to produce them.

The Department filed a petition an action in trial court challenging the hearing officer's decision. The trial court agreed and granted the petition.

The court of appeal reversed the trial court ruling and found that an officer's personnel records may be relevant in a disciplinary hearing where the defense is arguing excessive punishment in comparison to other officers who received lesser discipline in similar circumstances. Further, the court of appeal held that officers have constitutional due process rights that mandate the right to demonstrate the relevance of other correctional officer personnel records in such administrative proceedings.

Following this case, and depending on the facts of a particular case, if an officer files a *Pitchess* motion requesting correctional officer personnel records in an administrative proceeding, the public agency employer may not be able to argue that the hearing officer does not have the authority to rule on such a motion.

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If you have any questions regarding this case or other issues related to police officer discipline, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#), or download our [Client News Brief App](#).

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