

No. S150402

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

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CLERK SUPREME COURT

THOMAS SPIELBAUER,

Plaintiff and Appellant,

vs.

COUNTY OF SANTA CLARA, et al.,

Defendants and Respondents.

After a Decision by the Court of Appeal,
Sixth Appellate District, Court of Appeal No. H029345,
Santa Clara County Superior Court No. CV031889
Hon. James Kleinberg, Judge

**BRIEF OF AMICUS CURIAE PEACE OFFICERS' RESEARCH
ASSOCIATION OF CALIFORNIA LEGAL DEFENSE FUND,
SUPPORTING RESPONDENTS**

Ronald Yank, No. 041200

Gary M. Messing, No. 075363

Gregg McLean Adam, No. 203436

Jason H. Jasmine, No. 215757

Jennifer S. Stoughton, No. 238309

CARROLL, BURDICK & McDONOUGH LLP

44 Montgomery Street, Suite 400

San Francisco, CA 94104

Telephone: 415.989.5900

Facsimile: 415.989.0932

Email: ryank@cbmlaw.com

gmessing@cbmlaw.com

gadam@cbmlaw.com

jjasmine@cbmlaw.com

jstoughton@cbmlaw.com

Attorneys for *Amicus Curiae*

Peace Officers' Research Association of California Legal Defense Fund

TABLE OF CONTENTS

	Page
APPLICATION FOR LEAVE TO FILE <i>AMICUS CURIAE</i> BRIEF	1
<i>AMICUS CURIAE</i> BRIEF	4
I INTRODUCTION	4
II STATEMENT OF INTEREST	5
III LEGAL DISCUSSION	6
The Court of Appeal Decision Would Eviscerate the Interrogation Privilege That Applies During Administrative Investigations of Public Employees and Undermine the Present System That Both Protects the Public’s Confidence in its Law Enforcement Agencies and Protects the Rights of Public Employees.	6
A. The Court of Appeal’s Decision will Likely Erode the Public’s Confidence in Law Enforcement Agencies’ Ability to Self Regulate	6
B. Why the Status Quo Is Correct.....	13
IV CONCLUSION.....	17

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Chavez v. Martinez</i> , 538 U.S. 760 (2003)	14
<i>Confederation of Police v. Conlisk</i> , 489 F.2d 891, 894 (1973), <i>cert. denied sub nom.</i> <i>Rochford v. Confederation of Police</i> , 416 U.S. 956 (1974)	15
<i>Copley Press, Inc. v. Superior Court (County of San Diego)</i> , 39 Cal.4th 1272 (2006)	7
<i>Gardner v. Broderick</i> , 392 U.S. 273 (1968)	14
<i>Garrity, et al. v. State of New Jersey</i> , 385 U.S. 493 (1966)	13, 14, 15
<i>Graham v. Connor</i> , 490 U.S. 386 (1989)	11
<i>Lybarger v. City of Los Angeles</i> , 40 Cal.3d 822 (1985)	<i>passim</i>
<i>Malloy v. Hogan</i> , 378 U.S. 1 (1964)	14
<i>Pasadena Police Officers Assn. v. City of Pasadena</i> , 51 Cal.3d 564 (1990)	8, 9
<i>San Francisco Police Officers Ass'n v. Superior Court</i> , 202 Cal.App.3d 183 (1988)	8
<i>Spielbauer v. County of Santa Clara</i> , 146 Cal.App.4 th 914 (2007)	<i>passim</i>

TABLE OF AUTHORITIES
(continued)

Page(s)

Statutes

Evidence Code

Sections 1043-1046 7

Government Code

Section 3300 13

Section 3303 13

Section 3303(f) 15

Penal Code

Section 832.5 5, 7

Section 832.7 7

Section 832.8 7

Other Authorities

U.S. Const. amend V 14

U.S. Const. amend XIV, § 1 14

APPLICATION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

TO THE HONORABLE CHIEF JUSTICE OF CALIFORNIA AND THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT OF CALIFORNIA:

The Peace Officers' Research Association of California ("PORAC") Legal Defense Fund ("LDF") (collectively, "PORAC LDF") hereby moves for permission to file this *amicus curiae* brief. We file in support of Defendants and Respondents County of Santa Clara, Santa Clara County Personnel Board, and Jose Villareal.

PORAC is a professional federation of local, state and federal law enforcement associations. With more than 775 member labor organizations, PORAC represents over 60,000 individual peace officers in each of California's 58 counties, and in Nevada, making PORAC one of the largest law enforcement associations in the nation. PORAC was founded in 1953 and has had a unique role in furthering the interests of peace officers over the last 50 years. PORAC's mission is to secure for all peace officers adequate compensation for the performance of their professional duties; to improve conditions of employment through collective legal activities and collective efforts in all areas of labor representation; to insure peace officers and their families against sickness, disability, accident, and any other problems that may occur; and to collect, study, standardize, summarize and

distribute factual data in order to promote the professional qualifications and standing of peace officers.

LDF was established by PORAC as a Trust in 1974, and became one of the nation's first prepaid legal service plans. LDF's mission is to provide representation to peace officers in criminal, civil, and administrative matters arising out of the scope of their employment. LDF also provides representation to member organizations on matters where the resolution of legal issues may result in a favorable statewide impact for its members. LDF presently counts among its members over 750 peace officer labor organizations representing over 66,000 individual peace officers in each of California's 58 counties, and in the states of Arizona, Colorado, Idaho, Michigan, Montana, Nevada, North Dakota, Oregon, Texas, Utah, Washington, and Wyoming.

The California Sixth District Court of Appeal's decision in *Spielbauer v. County of Santa Clara*, 146 Cal.App.4th 914 (2007) ("*Spielbauer*") directly affects PORAC LDF's mission by radically reassessing the interrogation privilege that applies during administrative investigations of public employees, including peace officers.

The accompanying *amicus curiae* brief directly addresses, from the unique perspective of an organization devoted for over 50 years to peace officer employment rights, public employers' ability to compel its employees to answer potentially incriminating questions, and the impact of

