

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

SHERIFF CLAY PARKER, TEHAMA	)	
COUNTY SHERIFF, et al.,	)	
	)	
Plaintiffs and Respondents,	)	
	)	
v.	)	Case No. S215265
	)	
THE STATE OF CALIFORNIA et al.,	)	
	)	
Defendants and Appellants.	)	

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Fifth Appellate District, Case Nos. F062490, F062079  
Fresno County Superior Court, Case No. 10CECG02116  
The Honorable Jeffrey Y. Hamilton, Judge

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**APPLICATION OF WESTERN STATES SHERIFFS'  
ASSOCIATION, LAW ENFORCEMENT ALLIANCE OF  
AMERICA, INTERNATIONAL LAW ENFORCEMENT  
EDUCATORS AND TRAINERS ASSOCIATION, LAW  
ENFORCEMENT LEGAL DEFENSE FUND, LAW  
ENFORCEMENT ACTION NETWORK, CALIFORNIA RESERVE  
PEACE OFFICERS ASSOCIATION, AND TWENTY-ONE  
INDIVIDUAL CALIFORNIA COUNTY SHERIFFS (LISTED ON  
NEXT PAGE) TO FILE *AMICI CURIAE* BRIEF; *AMICI CURIAE*  
BRIEF OF WESTERN STATES SHERIFFS' ASSOCIATION *ET AL.*  
IN SUPPORT OF PLAINTIFFS AND RESPONDENTS**

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*Pro hac vice* application pending

Counsel for *Amici Curiae*

The twenty-one individual California county sheriffs participating in this *amici curiae* brief are:

Tom Allman (Mendocino)  
Tom Bosenko (Shasta)  
Adam Christianson (Stanislaus)  
John D'Agostini (El Dorado)  
Michael Downey (Humboldt)  
Steve Durfor (Yuba)  
Dean Growdon (Lassen)  
Greg Hagwood (Plumas)  
Dave Hencratt (Tehama)  
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Jon E. Lopey (Siskiyou)  
John McMahon (San Bernardino)  
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To the Honorable Tani Cantil-Sakauye,  
Chief Justice of the Supreme Court of California:

Pursuant to Rule 8.520(f) of the California Rules of Court, the Western States Sheriffs' Association and the organizations and individuals listed below apply for permission to file the accompanying *amici curiae* brief in support of Plaintiffs and Respondents.

### **INTEREST OF AMICI CURIAE**

#### **Western States Sheriffs' Association**

The Western States Sheriffs' Association ("WSSA") was established in 1993, originally representing nine states including California. It now consists of hundreds of members from 15 member states throughout the Western United States (Arizona, California, Colorado, Idaho, Montana, North Dakota, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming). The mission of WSSA is to assist Sheriffs and their offices with federal and state legislative issues, address policy and procedural matters, develop guidelines to promote uniformity in matters that are important to Sheriffs of the Western United States, and to work together to keep the office of Sheriff strong. WSSA supports the positions of the individual California sheriffs in this matter, and recognizes that in order to fairly enforce legislative directives those directives need to be specific and clear, and should not be so vague that they cannot be

consistently applied.

**Law Enforcement Alliance of America, Inc.**

Law Enforcement Alliance of America, Inc. (“LEAA”) is a non-profit, non-partisan advocacy and public education organization founded in 1992 and made up of thousands of law enforcement professionals, crime victims, and concerned citizens. Many of LEAA’s members reside and/or work in California. LEAA represents its members' interests by assisting law enforcement professionals and seeking criminal justice reforms that target violent criminals rather than vague regulatory laws that create confusion in law enforcement, and unexpected criminal liability for otherwise law abiding citizens. LEAA has been an *amicus curiae* in other California cases, and on the prevailing side in two United States Supreme Court cases. It filed an *amicus curiae* brief in the Court of Appeal below in this case.

**International Law Enforcement Educators and Trainers Association**

International Law Enforcement Educators and Trainers Association (“ILEETA”), is a professional association of 4,000 persons committed to the reduction of law enforcement risk and to saving lives of police officers and the general citizenry through the provision of training enhancements for criminal justice practitioners. ILEETA has joined this brief because it is impossible for police officers to enforce laws that are vague, have no ascertainable or accepted meaning, and may vary in interpretation between individuals and jurisdictions, and over time.

### **Law Enforcement Legal Defense Fund**

Law Enforcement Legal Defense Fund (“LELDF”) is a 501(c)(3) non-profit organization, headquartered in Alexandria, Virginia, that provides legal assistance to law enforcement officers. LELDF has aided nearly one hundred officers, many of whom have been acquitted, mostly in cases where officers have faced legal action for otherwise authorized and legal activity in the line of duty. While LELDF supports measures that will further legitimate public safety interests and protection of law enforcement officers, it does not support provisions that improperly delegate legislative functions to law enforcement personnel, and may thereby subject police officers to risk of lawsuits for false arrest and similar causes of action.

### **Law Enforcement Action Network**

Law Enforcement Action Network (“LEAN”) is a sister organization of LELDF, headquartered in Alexandria, Virginia, which has received 501(c)(4) status. LEAN promotes policies that protect law enforcement officers’ personal and professional safety. LEAN seeks to provide insight to the Court about the negative ground level impact the challenged provisions will have on police officers and citizens.

### **California Reserve Peace Officers Association**

The California Reserve Peace Officers Association (“CRPOA”) was founded in 1974 for the purpose of raising the professional, educational and employment standards of California reserve peace officers. CRPOA

members dedicate their time to community service by working as part-time employees with law enforcement agencies both on a compensated and non-compensated basis. These officers work with full-time regular officers to provide law enforcement services at the city, county, district, and State levels, including uniformed patrol, investigations, undercover and vice operations, and search and rescue. Approximately 600 law enforcement agencies currently employ more than 5,000 reserve law enforcement officers in California. As law enforcement officers, CRPOA members have an interest in avoiding the risks and burdens associated with the enforcement of vague laws that have no generally accepted meaning.

#### **Individual Amici**

The following individual *amici* are elected County Sheriffs in California: Tom Allman (Mendocino), Tom Bosenko (Shasta), Adam Christianson (Stanislaus), John D'Agostini (El Dorado), Michael Downey (Humboldt), Steve Durfor (Yuba), Dean Growdon (Lassen), Greg Hagwood (Plumas), Dave Hencratt (Tehama), Larry Jones (Glenn), Scott Jones (Sacramento), Jon E. Lopey (Siskiyou), John McMahon (San Bernardino), James Mele (Tuolumne), Margaret Mims (Fresno), J. Paul Parker (Sutter), Ian S. Parkinson (San Luis Obispo), Mike Poindexter (Modoc), Martin A. Ryan (Amador), Dean Wilson (Del Norte), and Donny Youngblood (Kern). All of these individuals have distinguished records of practical experience in the fields of law enforcement and public safety. Their interest in this lawsuit

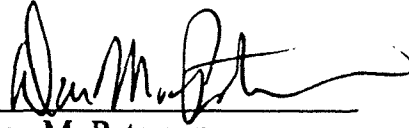


is in promoting uniform law enforcement within their jurisdictions and across the state, ensuring that California penal laws can be enforced in a fair, clear, and efficient manner, and guarding against vague laws that will waste law enforcement resources and cause mistrust between law enforcement and law-abiding citizens.

No party or counsel for any party has authored this brief in whole or in part. No party or counsel for any party has made a monetary contribution intended to fund the preparation or submission of the brief.

The *amici* in this case and their members have an extraordinary amount of experience in law enforcement in California and elsewhere. It is believed that the perspective of individual officers and organizations will be valuable to the court in demonstrating that guidance to law enforcement is an important interest under the void-for-vagueness doctrine, that the provisions challenged in this case fail to provide such guidance, and that those provisions therefore cannot be applied in a consistent, uniform manner as required by the Due Process Clause.

Respectfully submitted,



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