INFORMAL DISCOVERIES

Pursuant to California Penal Code §1054.5, informal requests for discovery by a defendant can be made prior to obtaining a court order.

- Requests for discovery in **felony** and **misdemeanor** cases should be made through the San Luis Obispo District Attorney's Office as their office is the prosecuting attorney.

- Requests for discovery in **infraction** cases should be made through the San Luis Obispo Police Department since the District Attorney's office does not prosecute infraction cases. The issuing Agency is considered the "prosecuting attorney".

- Please note that **administrative citations** are **not criminal** and therefore an informal discovery request does not apply. When contesting your administrative citation, you will receive a packet from Neighborhood Outreach which will include a copy of the citation, including the officer's notes at no cost. This packet contains all the information that the hearing officer will have access to at your hearing.

Requests need to be made in writing. You may use the Informal Discovery Request form which is available at the Records counter or by printing page three of this document, however it is not mandatory to use this form. Please make sure to be specific regarding what items you are requesting. In addition, you will need to provide a legible photocopy of your ID (Driver's License or passport). A copy can be made by Records staff if you drop your request off in person during regular business hours.

The Records Supervisor will contact you within 15 days, once research has been done to determine what requested materials we have, and what the fee will be to obtain them.

San Luis Obispo Police Department Policy regarding In-Car Video requests is as follows:

805.3 DISCOVERY REQUESTS FOR IN-CAR VIDEO

Informal discovery requests for In-Car Video cannot be released directly to the defendant as the San Luis Obispo Police Department is unable to redact uninvolved persons and vehicles that may appear in the video. If such an informal discovery request occurs the following steps should be taken:

(a) Records personnel or the Records Supervisor will contact the requestor and advise that the In-Car Video cannot be released due to privacy and safety concerns.

(b) The testifying San Luis Obispo Police personnel will take a copy of the In-Car Video to court.

(c) The testifying San Luis Obispo Police personnel will advise the court of the need for a protective order before the In-Car Video can be shown or accepted as evidence in a public forum.

(d) Once the protective order has been endorsed by the court, the In-Car Video may be presented to the court.

The in-car video will be released to you once the protective order is signed by the judge.

Once you have appeared in court and your case has been adjudicated, there is no longer a “criminal defendant” so the informal discovery procedure would no longer apply.

For Release Requests:

Please be sure to include a phone number or email address where you can be reached in case clarification of what you’re asking for is necessary.

If you have any additional questions that were not addressed here, please contact the San Luis Obispo Police Department and ask for the Records Supervisor.

Police Department
1042 Walnut Street, San Luis Obispo, CA 93401-2729
805.781.7317
slocity.org

Date of Request: _____

San Luis Obispo Police Department
Records Division
1042 Walnut Street
San Luis Obispo CA 93401

RE: INFORMAL DISCOVERY REQUEST

SLOPD Case/Citation #:_____

Pursuant to California Penal Code §1054.5, informal requests for discovery by a defendant can be made prior to obtaining a court order. It is requested that you provide the undersigned with the following materials with fifteen days of receipt: *(please print legibly or type the specific items you are seeking.)* The Records Supervisor or her designee will contact you once research is completed to advise of costs for the requested materials.

I hereby certify that I am an involved party entitled to the above listed materials as described in 1054.5 PC.

Name: _____

Address: _____

Daytime Phone Number:_____

Signature: _____

The San Luis Obispo Police Department will notify you within fifteen days concerning the requested material.

FOR RECORDS USE ONLY

Material Provided by: Date:

Fee: **** Please attach copy of photo ID**