


GENERAL OFFICE MEMORANDUM 17-008

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: JOHN K. SPILLANE 
Chief Deputy District Attorney

SUBJECT: CREATION OF THE DUI TRAINING AND PROSECUTION SECTION

DATE: JANUARY 17, 2017

I am pleased to announce the creation of the DUI Training and Prosecution Section (DTAPS), funded with a grant received from the California Office of Traffic Safety. DTAPS began operation on October 1, 2016 and is part of the Training Division. DTAPS will directly address the growing threat to public safety posed by drivers operating motor vehicles while impaired by alcohol, drugs or a combination of the two. DTAPS will consist of three deputies who have the following responsibilities:

1. Provide training on the prosecution of alcohol and drug impaired driving cases, with a focus toward driving under the influence of drug (DUID) cases;
2. Coordinate with law enforcement to increase the number of Drug Recognition Experts throughout the county and be available to provide guidance and training to local law enforcement; and,
3. Provide consultation, support and, in some instances, vertical prosecution of vehicular homicide cases where the suspect was DUI at the time of the crime.

Training on DUI and DUID Prosecutions

DTAPS DDAs will themselves receive significant specialized training in the investigation and prosecution of DUI and DUID cases. Each DTAPS DDA will receive training in the proper administration of Standardized Field Sobriety Tests (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), and the Drug Recognition Evaluator (DRE) program. These are the same POST certified courses taken by law enforcement officers to observe, identify, and articulate the signs of impairment related to drugs, alcohol or a combination of both. DTAPS DDAs will use this specialized training to develop a model for the best use of this evidence in DUID trials.

One of the challenges in detecting and prosecuting DUID cases is the lack of updated detection methods of blood analysis that can be legally admitted in court. The Los Angeles County Sheriff's Department – Scientific Services Bureau (LASD-SSB) is in the process of obtaining three liquid chromatography tandem mass spectrometry (LCMSMS) machines for confirmatory and quantitative analysis of drug-impaired driving blood submissions. This method allows for detection of the psychoactive parent drug (Delta 9-THC), which offers direct support for a

driving-under-the-influence charge. DTAPS DDAs will receive training from LASD-SSB in the methods and significance of this analysis, and will formulate strategies for its most effective use in trial.

The DTAPS DDAs are all highly experienced trial attorneys and will utilize their specialized knowledge, expertise and experience to provide intensive hands-on training and support to DDAs throughout the office that are handling DUI and DUID cases. This training will include working one on one with trial lawyers on strategy and tactics in trial preparation and in trial. DTAPS DDAs will sometimes co-chair DUID prosecutions with the assigned DDA.

The DTAPS DDAs will coordinate with law enforcement and LASD-SSB personnel to provide training to trial DDAs toward an in-depth understanding of the investigative stage of a DUID case. The training will include instruction on in-field evaluations for driver impairment, and on the technical aspects of forensic toxicology; as well as guidelines on when the laboratory analyses can be utilized by a forensic toxicologist to render a legally admissible opinion to prove impaired driving.

In addition, the DTAPS DDAs will work with law enforcement, filing deputies and supervising DDAs to provide instruction on the type and quantity of evidence necessary to support a successful criminal prosecution in these types of cases.

Working with Local Law Enforcement

DTAPS DDAs will collaborate with local law enforcement to evaluate the staffing of current DREs, and encourage and facilitate additional DRE training where practical. The DTAPS deputies will partner with law enforcement to identify means to improve DUI investigation and prosecution. These specially trained prosecutors will also be available to answer questions and offer guidance to officers on specific cases.

Vertical Prosecution

DUI and DUID cases involving a homicide will be screened by DTAPS. Some of those cases will be vertically prosecuted by DTAPS. DTAPS DDAs will provide intensive consultation and support for DDAs handling DUI/DUID homicide cases not vertically prosecuted by DTAPS.

Please direct any questions to the Training Division (213) 974-6757.

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