


GENERAL OFFICE MEMORANDUM 17-071

TO: ALL DISTRICT ATTORNEY EMPLOYEES

FROM: JOHN K. SPILLANE 
Chief Deputy District Attorney

SUBJECT: NEW ACCESS TO TRAINING MODULES TO BE OFFERED BY THE
TRAINING DIVISION

DATE: JUNE 5, 2017

Training is an essential component in ensuring that we are prepared to meet our mission goal of *protecting our community through the fair and ethical pursuit of justice and the safeguarding of crime victims' rights*. The Training Division has endeavored to enhance the learning opportunities we offer by making significant changes in how we deliver training to our employees. One of the biggest changes is the shift from a pure lecture based format to one that now includes adult learning methods that focus on student participation during class, which allows deputies to better understand and retain the information being conveyed.

With that goal in mind, the curriculum for the training of new deputy district attorneys has been divided into three modules, with an emphasis placed on both in-class learning activities and courtroom experience to make it more dynamic and relevant. Additional trial preparation colleges have been created that focus upon different classes of crimes, levels of experience, and readiness to take on increasingly complex cases and achieve just outcomes. Subject matter specific colleges are consistently revised and refreshed as to content and presentation to keep pace with changes in the law. We draw upon experts from within our office and bring in outside experts and speakers to provide the highest quality training experience for all attendees.

Saturday Seminars are now presented in a new format and venue that has enabled us to improve the quality of the live production and recordings for later viewing as well.

In order to increase access to training opportunities, we will now be offering a series of training modules that will be available through the Learning Management System (LMS). The first modules will be available to all employees beginning in September of this year. Using LMS will enable our employees to access these training modules from either an office computer or a personal device. Each module will include a video presentation of approximately an hour in length and a twenty question test covering the information presented in the video. MCLE credits will be available for those who successfully complete the module.

We will start with five modules covering core concepts for all deputy district attorneys:

1. Search and Seizure – This module provides an overview of Search and Seizure Law, including what constitutes lawful consent to enter a residence or vehicle, exigent circumstances, and the lawful scope of a search by law enforcement. In addition, the module provides a framework for understanding the recently enacted California Electronic Communications Privacy Act (Penal Code Section 1546 *et seq.*), and when blood can be obtained from a suspect during a Driving Under the Influence Investigation.
2. Ethics and Professionalism – This module provides a reminder of a prosecutor’s ethical and professional responsibilities. Topics include ethical guidelines, from charge evaluation to closing argument, based on case law, as well as the California Professional Rules of Conduct.
3. Case Preparation: Felony Prosecution - This module is designed to assist deputies entering a felony assignment for the first time. It covers the following topics:
 - a. Working with Supervisors – How a prosecutor should prepare for a discussion of their case with a supervisor;
 - b. Hand-Off Trials – What can be done before and during trial with the limited time available with a hand-off case;
 - c. Specially Assigned Cases: How to prepare a case for trial when there is additional time available, including meeting with your detective and witnesses beforehand, visiting the crime scene, organizing your file, and obtaining prior cases and/or police reports;
 - d. Penal Code Section 969b Packets – What a deputy should review in the packet to ensure that the proper documents are present and legally admissible at the time of trial; and
 - e. Dispositions – How to prepare for a discussion with your supervisor about a possible case settlement.
4. Evidence – This module covers important topics regarding the law of evidence, including:
 - a. Hearsay – An overview based on the rules of evidence and what exceptions apply to this rule;
 - b. Impeachment – How in a criminal case, conduct evincing moral turpitude, whether felony or misdemeanor, may be admitted to impeach a witness, including the defendant;
 - c. Character Evidence and Prior Bad Acts - Under Evidence Code Sections 1108 and 1109, prior acts of domestic violence and sexual assault can be used to prove a propensity or disposition to engage in such conduct. With Evidence Code Section 1101, prior bad acts are admissible if offered for a non-propensity purpose, such as to show motive, intent, identity, absence of mistake, common scheme or plan, knowledge, opportunity, preparation, and more;
 - d. Authentication of Business Records and other items of evidence; and

- e. Expert Witnesses and the scope of their admissible testimony in the wake of *People v. Sanchez*.
5. Legal Policies Manual: This module reviews the Legal Policies Manual with regards to crime charging, case management, felony case settlement policy, leniency and immunity, jailhouse informants and media relations, with a specific focus on required management approvals before crucial decisions are made on a case. Policy and office objectives are also addressed, with an emphasis placed on identifying the chain of command and highlighting the need to follow the proper hierarchy when requesting an approval from senior management.

Additional information on how to register for these modules will be provided in August.

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