



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

September 17, 2019

Executive Director Manuel Alvarez, Jr.
California Commission on Peace Officer Standards & Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Executive Director Alvarez:

The Orange County District Attorney's Office is committed to seeking justice, not only through the vigorous enforcement of the law, but also in a manner that demonstrates the highest standards of professional integrity and respect for the rights of the accused. In order to accomplish this, we rely heavily on our law enforcement partners to solve cases while ensuring that criminal defendants' constitutional rights are protected. It is with this in mind that I write to you. It has recently come to my attention that at this time POST does not require any constitutional or statutory discovery training at the Basic Academy level. Furthermore, it is my understanding that there are currently no offerings on the topic of constitutional or statutory discovery obligations at all in the POST catalog.

In California, the People are required by law to provide every defendant with discovery pursuant to the United States Constitution and Penal Code section 1054 *et. seq.* More specifically, the People are required to disclose to every defendant all material, favorable evidence that is in the possession not only of the prosecution, but of anyone on the prosecution team, whether or not the prosecutor has actual knowledge of the evidence. (*Brady v. Maryland* (1963) 373 U.S. 83, 87; *United States v. Joseph* (1993) 996 F.2d 36, 39.) This obligation does not rest solely on the shoulders of the prosecution. Our law enforcement partners share in this responsibility as well. (*Carrillo v. County of Los Angeles* (9th Cir. 2015) 798 F.3d 1210, 1219-1223.) It is not possible for the prosecution to meet this burden without the full and intelligent cooperation of our partners in law enforcement. Failing to meet this responsibility undermines the integrity of our cases and of our profession.

I am writing to urge you to include a requirement that all peace officers in the State of California receive mandatory discovery training, not only at the Basic Academy level, but also that it be provided at continued intervals throughout their careers. The Orange County District Attorney's Office is prepared to partner with you in this endeavor to help develop a fitting curriculum and to participate

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in its administration. Educating California's finest on pertinent laws of criminal discovery laws must be a priority in our state.

Please let me know how the Office of the Orange County District Attorney may be of assistance to you as you consider this important matter. I look forward to hearing from you.

Regards,



Todd Spitzer