MS TEAMS VIDEOCONFERENCING GUIDE

San Diego County District Attorney's Office

April 2020

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Disclaimer

This guide is an assembly of various documents created in order to prepare our Deputy District Attorneys for remote videoconferencing established to address criminal cases in light of the COVID-19 pandemic. Although much of it has been widely shared with members of the Public Defender, City Attorney, and San Diego Superior Court, it is designed primarily for use by prosecutors and intended to be an internal training and reference document. Materials will be added/modified/removed as needed.

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Updated: 042220

VIDEOCONFERENCE PRELIMINARY HEARINGS PROCEDURE

April 14, 2020

Coordinating Witnesses

Prior to the day of the Prelim, PE DDAs should have already communicated with their witnesses and confirmed the following things:

1. DDA and paralegal have the witness's cell phone and contact info
2. Witness knows the date and time of their appearance. If on call for the week, the witness should have been regularly contacted and kept updated about the case status.
3. Paralegal has been updated and is also in contact with the witness
4. Witness knows which Remote Testimony Room he or she will be reporting to, and whether there is a back-up room available, should the primary room be unavailable
5. Witness has a copy of their report or materials
6. Prop115 testimony has been done appropriately and D's ID procedure, if through P115, has been worked out

How Prelims are Set

All cases with that need to be addressed must first make the Triage calendar. ADA Dave Greenberg screens all cases from our office. If you believe your case qualifies for Triage, notify your Division Chief. All DDAs are instructed to reach out to the defense attorney(s) on each case and discuss whether stipulations, 90 day time waivers, etc., can be reached. If a plea can be reached, that should be discussed as well.

When will the Prelim Actually "Go"

Once the case has made it past the Triage Calendar, Court Operations will set the prelim for the following week. Witnesses should have already been subpoenaed for that week. It is critical that you communicate with them to let them know the date on the sub is <u>not</u> necessarily the date the prelim will actually go. The witness should understand that they are liable to be called at any time that week, depending on when the Court schedules the prelim to actually go. LE has been advised of this, but this is new for everyone and witnesses may not be clear. There are only a small number of courtrooms available for videoconferencing, as well as limited video conferencing rooms at the detention facilities that can accommodate the defendants. It is a very complex logistical puzzle to coordinate county-wide. See and refer them to the **REMOTE PRELIMINARY HEARING PROCEDURES for LE** guide.

Joining the Assigned PE Courtroom

Prelim assignments will be made the day prior. Check the **MS TEAMS COURTROOM MEETING LINKS** for the Teams Meeting link for the courtroom you will be remoting-in to.

Fill out the **VIDEOCONFERENCE CHECKLIST** to make sure you have the necessary info for the prelim videoconferencing. Share this with the Court and defense counsel. Keep LE phone numbers and emails on a <u>separate sheet and do not share</u>.

The PE DDA must Join the assigned PE courtroom's MS Teams Meeting and provide any necessary information, the videoconferencing checklist, and continue to prepare witnesses and settle in for the prelim. This will be the opportunity for all parties to talk informally about the hearing, any issues, checking the tech and making sure it all works, etc.. Keep in mind that other prelims may be sent to this courtroom as well, based on the time blocks assigned by the detention facilities and the Court Operations Supervisor.

This will be a good time to connect to the first witness and confirm the video connection. Unless they are the Investigating Officer, they will MUTE both audio and video until called by the DDA.

Ensure that no other witnesses are present in the witness's remote testimony room or within earshot of their testimony by confirming this with the witness. Presume that a motion to exclude is made. (see **REMOTE TESTIMONY ROOMS PROTOCOL**).

<u>Going on the Record for the PE</u>

After all parties have worked out the setup, the judge will call the case.

1. The DDA will state their name and announce as follows:

   "Good Morning (etc.) Your Honor, Deputy District Attorney [Name, spelling both for the record], appearing on behalf of the People via remote videoconferencing."

2. Defense counsel announces themselves,
3. Defense counsel confirms the client's identity by face and DOB, and
4. Defense counsel states D's videoconferencing consent

When invited by the Court to call the first witness, the DDA will announce the witness's name and ask for a brief moment to call and invite them or ask that the witness unmute their audio/video if they are already on. The DDA may use their phone to call the witness at this time. Once the witness has appeared, either the DDA or the Judge should confirm on the record that the witness can see and hear all parties and vice versa.

Ensure that the witness is sworn-in.

<u>ID of the D</u>

When the witness is asked to ID the D, ensure that the witness can see a video image of D on his or her screen. You may not want to ask, "Do you see the D in one of the video screens?" because if the D's video feed isn't active on their screen, they will (or should) answer "no." The DDA should ensure that a "negative ID" isn't attributed to this. You could always ask, "Witness, what or who do you see on your screen?" and ask them to describe.

If the video feed is not active or you are unsure, ask that the Court request the detention facility deputy do a "10 count" to activate the video screen.

If a D ID will be will done via P115, consult the **ADMIT BOOKING SHEET** guide by Chris Lawson.

Exhibits

At this time, the use of exhibits is strongly discouraged, if not outright generally prohibited. Avoid their use if possible, as receiving them and marking by the Court has not been worked out.

IF you determine that an exhibit is vital to the bindover, here is the preferred method:

1. Make the exhibit a PDF
2. Bates stamp each page if more than one
3. Email and distribute to all parties, the Court, clerk, and reporter prior to the start of the PE
4. OR, have the exhibit hand-delivered to the court prior to the start of the hearing. This should have been worked out prior to going on the record during the setup discussions.
5. When introducing the exhibit, do the following:
    a. Ask the clerk to assign an exhibit number and identify the specific page(s)
    b. Make a record that counsel has a copy
    c. Ask the Court for permission to show it to the witness, by:
        i. Screen share
        ii. Holding it up to your camera
        iii. Emailing it to the witness (IF this has been practiced beforehand)
        iv. Or letting the witness refer to it if you provided it before the start of the prelim
    d. Lay the rest of the foundation
6. Once exhibit has been testified to, ask to admit it, etc.

Of course, this is all subject to the Court's discretion.

Concluding the PE

Once you have rested and if the court has bound D over, arraign the D or set a due course date. Obtain any applicable time waivers if possible. Note the next proceeding and date and make sure the case is updated in CMS.

"Cleaning Up" after your Prelim

Once your matter is concluded, determine if there is another case being heard. If the next DDA is monitoring, ask for a moment to confer with them in Teams. If their witness is waiting at the same Remote Testimony Room used by your witness, you may leave that room logged-in. Just confirm that the audio and video is muted and that the witness or DA staff member (if in one of our rooms) can do so. Advise the witness that there are Clorox wipes for their use in the room.

Update your paralegal.

Email the next dates to your staff for CMS updating.

Complete the Bindover Worksheet; note that the hearing was conducted via teleconferencing.

TECHNICAL SHEET FOR VIDEOCONFERENCING

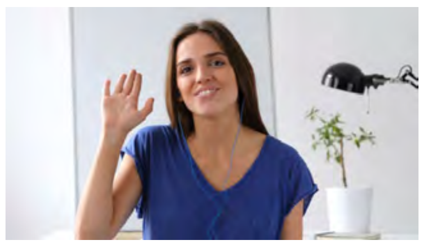
OFFICE WEBCAM SETUP

Lighting

1. Camera must face away from windows. Our office shades are not dark enough to block the light that will interfere with our webcams.

Bad: ***backlit***

Bad: ***overexposed and backlit***



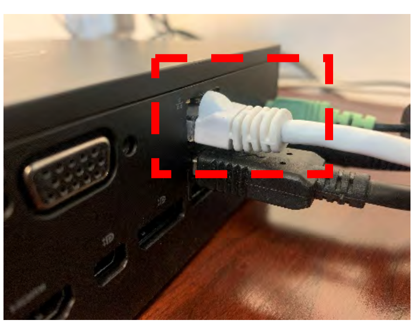
Good: ***no backlight, clear and bright***

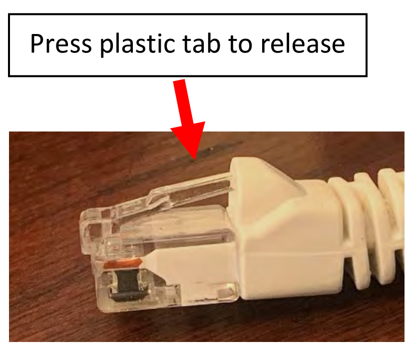
2. If your existing setup cannot be adjusted to change the camera's view and you're using a monitor-mounted camera, use your laptop.

Laptop setup

If using your laptop, you SHOULD connect it to the LAN (hardwire internet connection). The ensures a fast, solid connection, compared to the laptop's wifi.

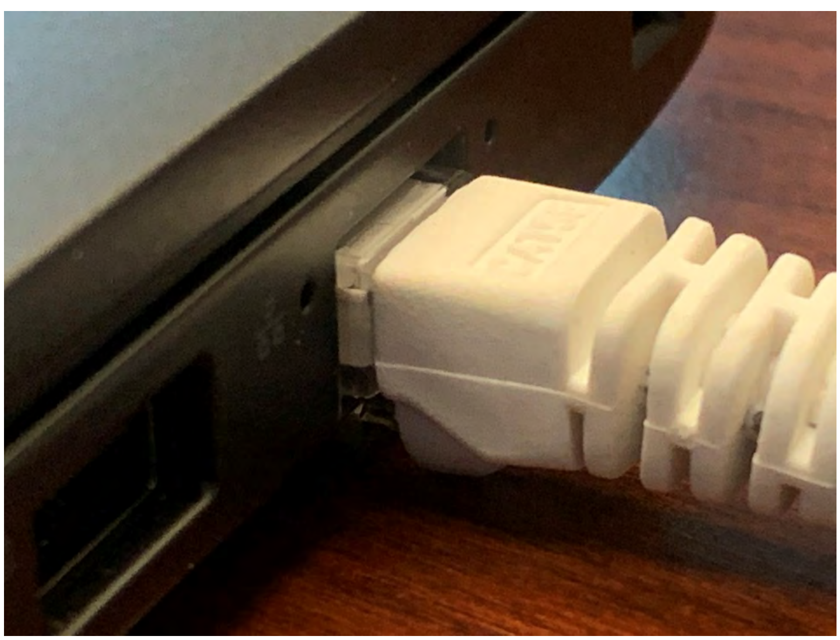
1. *Power down the laptop*
2. *Identify the LAN connection by locating the "Cat 5" jack plugged into your laptop docking unit:*





Locate Cat 5 jack on laptop

Insert Cat 5 jack into laptop



Common Audio Problems to Identify

Echoes and Reverb

If you hear an echo during your testing, check that the problem is not coming from your side. “Echo” or “delay” during videoconferencing is usually caused by audio that is coming from two separate sources and the microphone is picking both sources up, causing the “echo” effect.

A natural echo occurs when sound is bouncing off hard surfaces. This is what you may hear from a D’s audio in the detention facilities due to the hard walls and surfaces in the cell. You can’t do anything about that. But, you CAN troubleshoot an electronic echo problem.

How to Troubleshoot

1. Make sure only ONE speaker is broadcasting your Teams meeting on your side

    a. If using a dual-monitor setup, check that your other external monitor speakers are OFF, not just turned to low volume.
    b. Make sure any microphones attached to the other external monitor are OFF
    c. Turn off any other external speakers
    d. Check that you do not have the Teams MOBILE APP running on your phone at the same time

2. Do a microphone check with someone in a Teams meeting to check. See if you can <u>create</u> an echo to practice learning how they are created and to troubleshoot one.

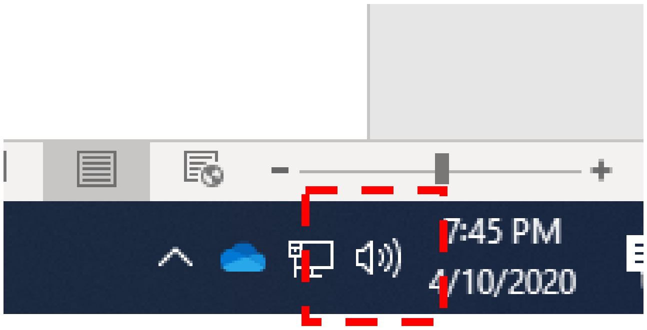
3. If not coming from YOUR side, have the other parties do the same checks. You can usually identify which side is causing it by MUTING one party and doing the mic checks.

Lack of Sound

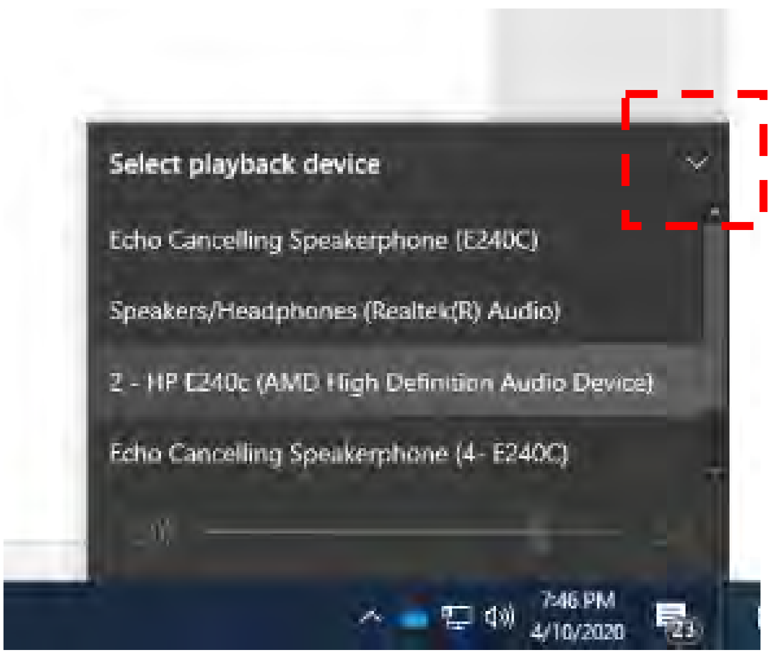
If you can’t hear anything and the other parties are NOT muted in the Teams app, check the following:

1. Your speaker cable has power
2. Speakers are ON
3. Monitor or laptop speakers are NOT muted on the machine itself
4. The audio source for the speakers you want to use is active:

Left-click the Audio icon at the bottom right of your Desktop screen:



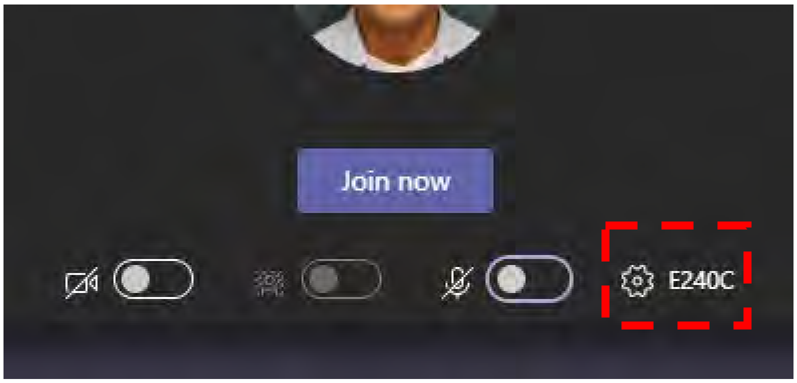
Select the carat on the right to expand the list of audio devices and check which one is active on which device by selecting the device, then clicking the volume slider:



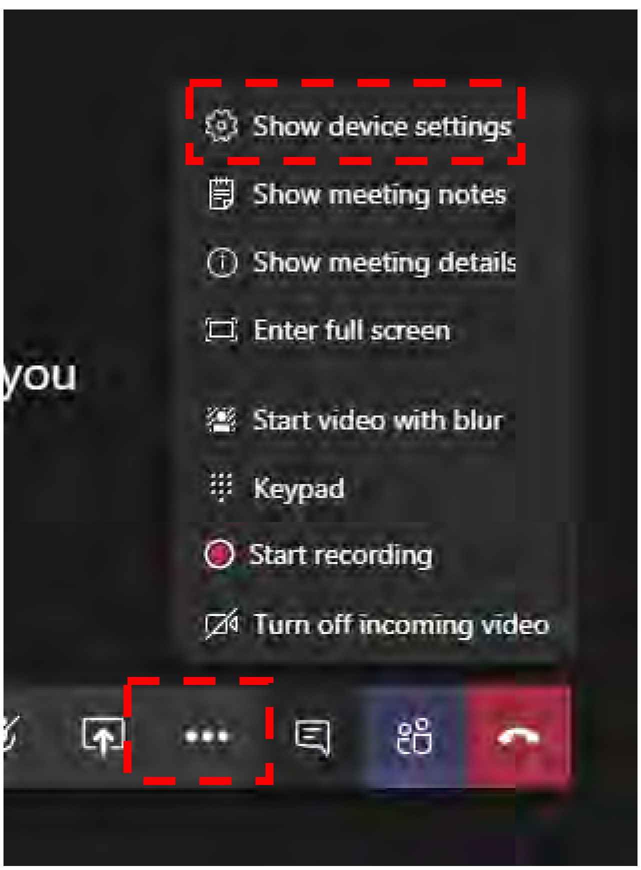
Setting Volume and Microphone in Teams

You can set up your MS Teams audio and video in two ways.

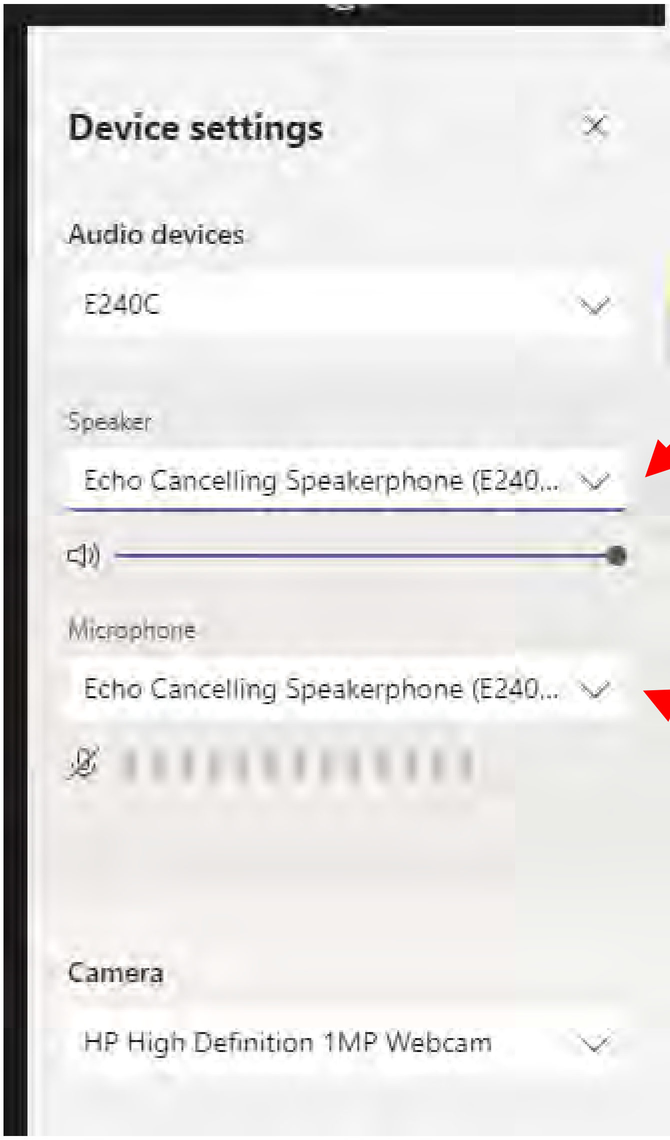
1. First, can you adjust settings before joining by selecting the Settings button (that looks like a gear) to the right of the microphone toggle (the name/device listed next to it will vary, according to your equipment):



2. If you're already in Teams meeting, you can access settings in the task bar by first selecting the three dots, then clicking "Show device settings" in the pop-up menu:



Once you're in the settings, go through each of the menus in Audio Devices, Speaker, Microphone, and Camera settings. Your actual options may differ from those show here, depending on your own equipment:



Select the device from which you want the audio to come from. If you have several options- monitor speaker, laptop, external speakers, etc., choose the one you prefer. Make sure unused speakers are OFF, in order to avoid an echo.

Select the microphone that is CLOSEST to you and in your speaking direction. Otherwise, you will have bad audio and sound distant or muffled.

Setting Volume per App

This is a bit more complicated. Click this link to access instructions that someone else already wrote:

https://winaero.com/blog/audio-output-device-apps-individually-windows-10/

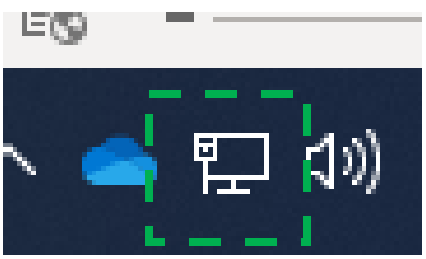
Common Video Problems to Identify

Lagging, Slow Video

If you see choppy video on your side, check the following:

1. You should NOT be running Teams from the DA Web Portal
2. Make sure you're running Teams via the App, and not in the Web Browser
3. There may be too many open apps on your computer that are hogging resources. Close them and restart.
4. Check that you are on LAN, not WIFI. To check, see the following:

Check the lower right hand icons of your desktop:



LAN: ***good***

Wifi: ***bad***

If none of the above steps improve the video, restart your machine by logging off and fully RESTARTING. A log-off only is insufficient.

Microsoft Teams How To Guide for Making Court Appearances (Desktop Version)

CHECK THE COURT CALENDAR

The first step in making a court appearance is to check the court provided calendar for the following day (pictured below). You will notice there are some portions of the court calendar that you've never seen before. Most information on this calendar is self-explanatory. However, there are two important sections that you may be unfamiliar with. First, ***Time*** will be the time slot in which your specific hearing will be heard. For instance, between 9:30 to 10:15, DDA Plascencia's OLIVEROS case will be heard by the court. Because there is a 45 minute time gap, she will not know *when* in that gap her case will be heard. It's important to join the call at least 15 minutes before your scheduled block time to account for any issues. This time block is meant to help account for any technical issues that occur for the cases in that block and to account for time for the specific facility to switch out defendants within the facility's "defendant room."

DIVISION	DEPT	TIME	COURT	DA	DEFENDANT_NAME	DET. FACILITY		HIGHEST_CHARGE	SVF_OR_K	Ks	EVENT_DDA
North	14	9:00 to 9:30	CN410163	OCN559	LOPEZ, YANET	LCDF	2	HS11370.9(a)	0	0	GOCHNOUR, DANIEL
			CN410163	OCN559	MURILLO, ARGELIA	LCDF		HS11370.9(a)	0	0	GOCHNOUR, DANIEL
		9:30 to 10:15	CN400638	OCL653	MORENO, FIDEL	VDF	3	PC187(a) - PC664	3	1	HAUF, LAURIE
			CN411743	OCN845	OLIVEROS, FERNANDO	VDF		PC288(c)(1)	0	0	PLASCENCIA, CLAUDIA
			CN410994	OCN720	RIVAS, ANGEL	VDF		VC10851(a), >$950	0	0	STARK, LISA
		10:15 to 10:30	CN389776	OCJ437	VO, NHAT	CJ		PC 597(A)			DA
		10:30 to 10:45	CN406138	OCM796	TOLL, MATTHEW	FAC 8		PC459	0	0	JARMAN, DAVID

Second, and as important, is the column listed ***Detention Facility***. Detention Facility is where the specific defendant is being housed. It also corresponds to the feed that you need to join to appear for your case. You join the feed by clicking on one of the links provided by the detention facility, which are located at the very bottom of this guide. Those are the current links for each jail facility feed. As the jail facility's develop additional defendant rooms, you will be provided additional links per facility.

DIVISION	DEPT	TIME	COURT	DA	DEFENDANT_NAME	DET. FACILITY		HIGHEST_CHARGE	SVF_OR_K	Ks	EVENT_DDA
North	14	9:00 to 9:30	CN410163	OCN559	LOPEZ, YANET	LCDF	2	HS11370.9(a)	0	0	GOCHNOUR, DANIEL
			CN410163	OCN559	MURILLO, ARGELIA	LCDF		HS11370.9(a)	0	0	GOCHNOUR, DANIEL
		9:30 to 10:15	CN400638	OCL653	MORENO, FIDEL	VDF	3	PC187(a) - PC664	3	1	HAUF, LAURIE
			CN411743	OCN845	OLIVEROS, FERNANDO	VDF		PC288(c)(1)	0	0	PLASCENCIA, CLAUDIA
			CN410994	OCN720	RIVAS, ANGEL	VDF		VC10851(a), >$950	0	0	STARK, LISA
		10:15 to 10:30	CN389776	OCJ437	VO, NHAT	CJ		PC 597(A)			DA
		10:30 to 10:45	CN406138	OCM796	TOLL, MATTHEW	FAC 8		PC459	0	0	JARMAN, DAVID

To summarize, the morning of her hearing, DDA Plascencia will prepare using the steps listed below. She will then open MS Teams at 8:00 AM to check to make all of her settings are good to go. She will then open whatever document on her computer that has the detention facility links saved. Once she clicks on the specific facility link, she will be prompted to "join" into the call. If all goes well, she can rest easy until about 15 minutes before her scheduled hearing, when she will check back in to the video call. She will make her appearance on the ONTIVEROS case and then "jump" to another call if she needs to appear on another case from a different jail facility feed (outlined below).

PREPARING FOR YOUR COURT APPEARANCE

The morning of your hearing, please follow these steps to so that you maintain the professional standards of the DA's Office:

1. Be in your office at 8:00 AM the morning of your scheduled hearing;

2. Place a sign on your door that indicates you are on the record and to not be bothered, eliminating any potential "walk-ins" while you are on the record;

3. Lower the ring volume on your desk phone to minimize sudden loud sounds during your court hearing OR forward your calls to your cell phone (which should be silenced);

4. Make sure whatever will be your video "background" is clear of anything you do not want the court *or* defendant to see (like family photos or other identifying items). Remember, you can always adjust the position of your camera or which camera you want to use, depending on your set up (see AUDIO / VIDEO ISSUES section for additional guidance)
    a. **Do not have your monitor directly facing a window with you in between the camera and the window. This set up will create lighting issues making it very difficult for anyone to see you.
    b. TEST YOUR VIDEO FEED – to do this, see next section;

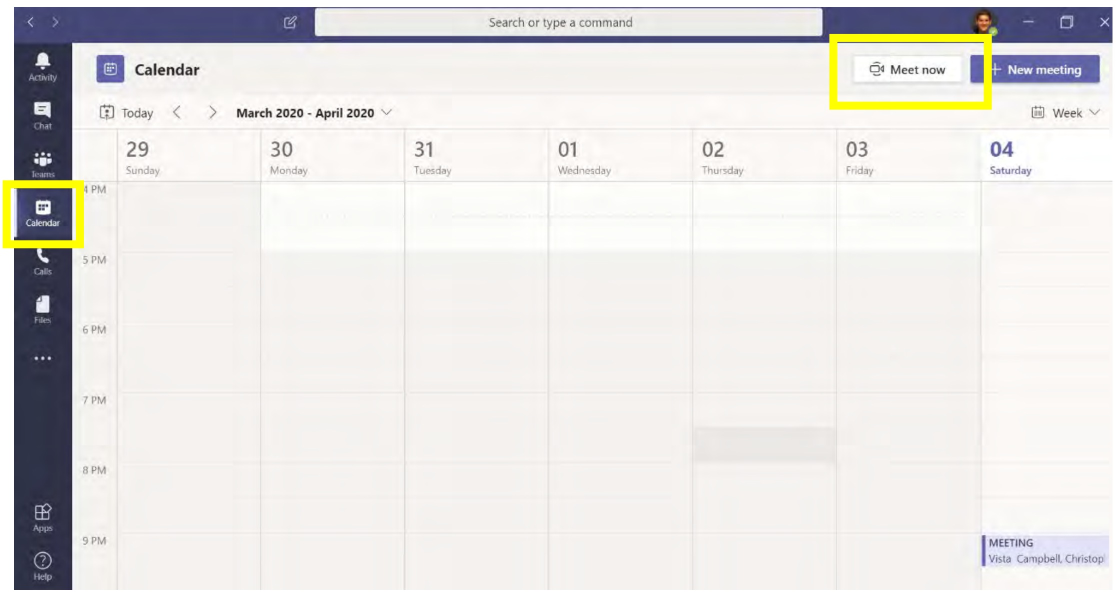
5. Open up Microsoft Teams and the document containing your jail facility links;

6. Determine which jail facility location your case is being streamed from and click that link and follow the directions below for "joining" the hearing;

TESTING YOUR VIDEO FEED

It is strongly encouraged that you first test your video feed before jumping on to a call to make a court appearance. This way you will be able to do two things: (1) make sure that your video feed actually works before jumping into a call to make a court appearance; and (2) make sure you are visible in your video feed and that it is not too dark or too light to see your face.

The easiest way to do that is to click on the Calendar setting in Microsoft Teams (shown below). Once you click that, your calendar will appear. In the calendar, go to the top right portion of the screen and click "meet now."

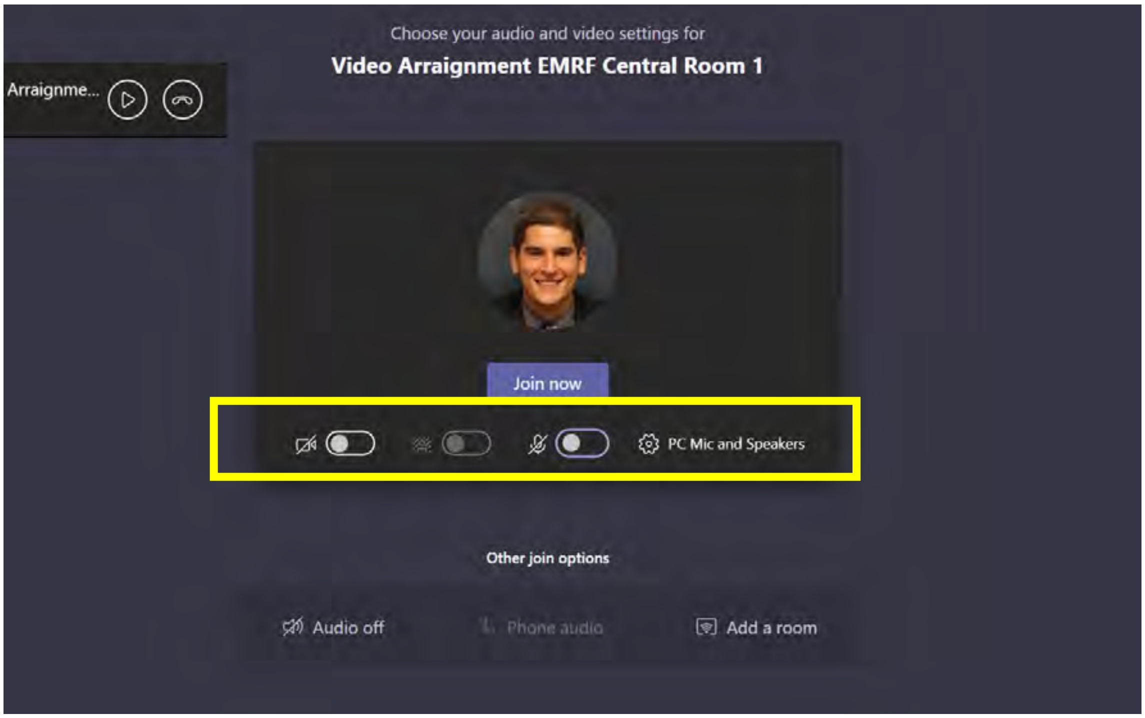


Once you click "meet now" you will get a pre-call prompt to "Join now." For more information on this screen, see below. For now, click the "Join now" button. Once you "join," toggle your video camera setting to on, and you should be able to see yourself based on the camera settings you have. **Note, if you want to change your camera settings, please jump below to the section titled "AUDIO / VIDEO ISSUES" below.

DDA Campbell - 3
April 2020

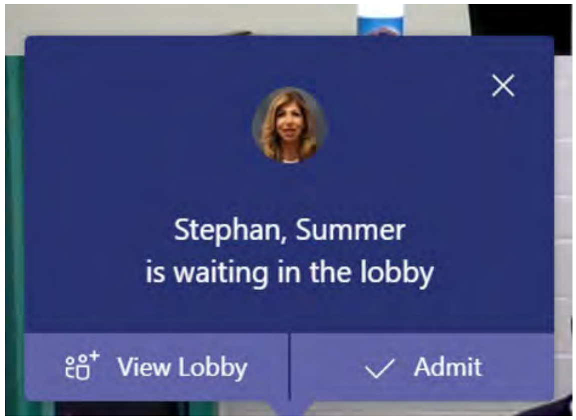
MAKING YOUR COURT APPEARANCE

Once you determine *when* your court appearance is and *where* your defendant is housed (see above), you need to click the corresponding link (see chart below). Make sure MS Teams is open *prior* to clicking that link. Once you click that link, your internet browser will open temporarily, then MS Teams will pop up and you will see the below screen.



In order to "join" the call, you need to click "Join now." **BEFORE** you do that, you need to **make sure that your audio and video** options are set to OFF. **This is very important**. Your camera and microphone settings, highlighted above, should look like that – this means your video feed is off and your audio is muted. Once that is complete, you can click "join now." Once you join the call, others in the call need to "admit" you in. When you are trying to get "admitted," those already in the call will see your name pop up and an option to admit you, shown below.

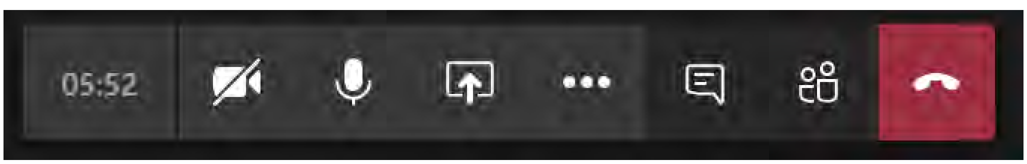
(*continued on the next page*)



Once you make it into the live call with the court and active jail facility feed, you should see a video feed of the courtroom, jail facility (potentially with a defendant sitting down), defense attorney and any other participants that are on the call. It is best to use the “pin” feature (see HOW TO PIN” below) due to the high volume of participants that may be in the call.

OPTIONS FOR YOU IN A LIVE CALL

Once you are engaged in a meeting, there are several different options that you need to be familiar with. The control bar pictured below will be on your screen during any meeting.



Video Toggle

During a “meeting,” you will have the option to utilize video. The video toggle button allows you to turn your video feed on and off at your control, whenever you feel it necessary.

DDA Campbell - 5
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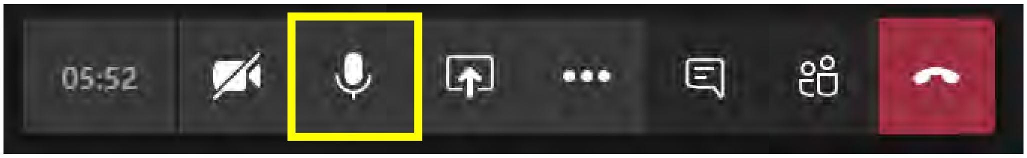
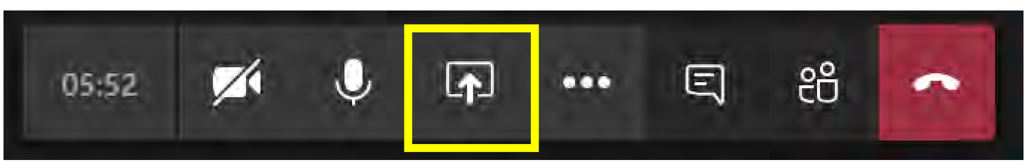
Mute / Unmute

During a "meeting," you will have the option to utilize audio. The mute function allows you to mute your audio on command, meaning those participating in the meeting cannot hear you when you have your audio muted.



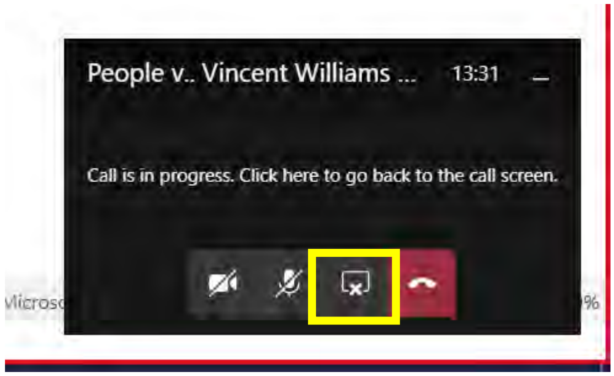
Screen Sharing – Photos, Videos, Files (Exhibits)

During a "meeting," you have the option to share with those participating virtually anything you wish. The sharing feature will present whatever is on your screen to those participating in the meeting, similar to a "presenter" view. MS Teams sharing allows you to share your desktop, open programs/windows on your computer, and any files either open or to be open when using the sharing function.



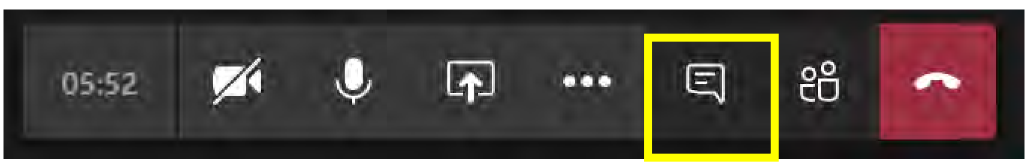
Once you choose to "share" a program/window/file during a meeting, you will enter a sharing or presenter view. It is important to note that once in presentation mode, anything you do on your screen will be reflected to those participating. However, you will still have access to video toggle and the mute function in sharing mode. Your new options panel will look as pictured below. Simply click the highlighted button to exit out of sharing mode but still stay in the meeting.

(*continued on the next page*)



Show Conversation, Chat and Send Files

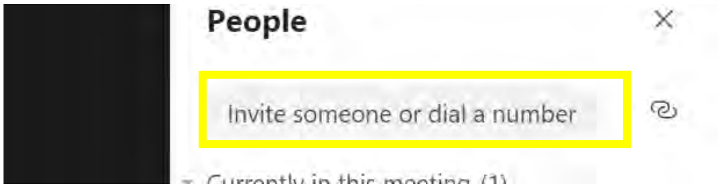
During a "meeting," you have the option to open a side window next to the meeting to "chat" with other participants.   Anything you type in the chat area will be seen by ALL participants. Amongst other things, the chat function also allows you share/send files through the chat window. Files can include photographs, documents, videos, and virtually any other file. To close the conversation/chat window, just simply click the show conversation button again.



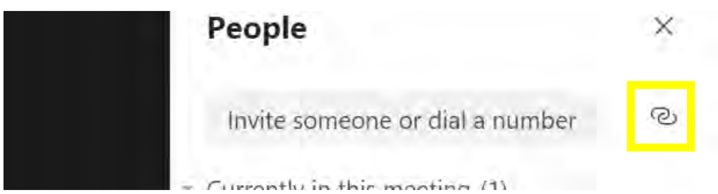
Add Participants to Meeting

During a "meeting," you have the option to add other participants that either dropped out of the meeting or were left off in the beginning. Start by clicking the "show participants" button that is highlighted below.

Once you click the "show participants" button, a dialogue box will appear on the left. At the top of that box will be a box that allows you to "invite someone or dial a number" in order to add someone to the call.   Adding someone operates differently than if you were to add them when creating the meeting. Unfortunately, during a meeting the only members you can add in a simple way (by typing their name in the box) are those within the DA's Office. All others must follow the next step.

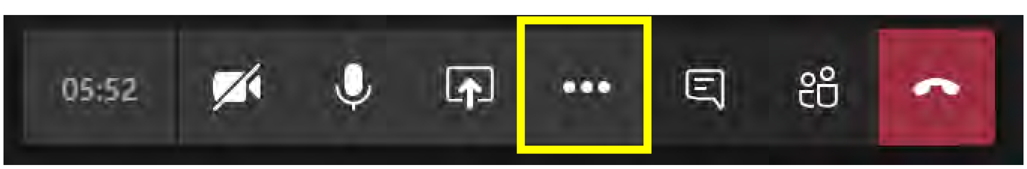


When adding an "external user" (those outside the DA's Office, like the pre-designated witness email address for testimony rooms), you must click the link icon to the right of the invitation box, highlighted below.   When you click that, you will see "copied to clipboard" appear. That means the link to "Join Meeting" will be ready for you to paste in a separate email through outlook. While the meeting is ongoing, open Outlook, create a new email to whoever you want to add to the meeting, and paste the Join Meeting in the body of the email by simply right clicking in the body and clicking paste.

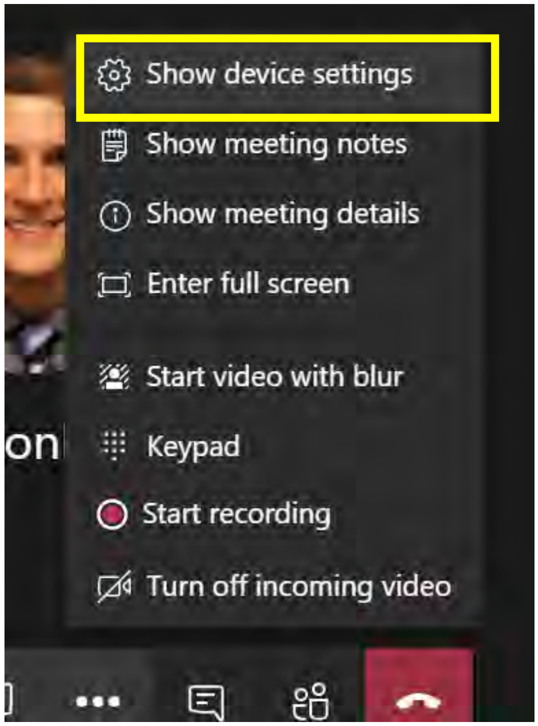


AUDIO / VIDEO ISSUES - I CAN SEE VIDEO, BUT CANNOT HEAR ANYTHING or I CAN HEAR VOICES, BUT CANNOT SEE ANYTHING

Once you're in a meeting, you may run into an issue where you cannot hear anyone (when you know participants are talking) or you cannot see anyone (when you know you should be able to). On your dialogue box, click the button with the three dots, as highlighted below.



Once you click that button, a pop up will appear (pictured below). There are several options in this pop up that are self-explanatory. If you cannot see any video, but you know there should be video, simply click the ***Turn On Incoming Video***. At issue here is the ***Show Device Settings***. Click on that.



(*continued on the next page*)

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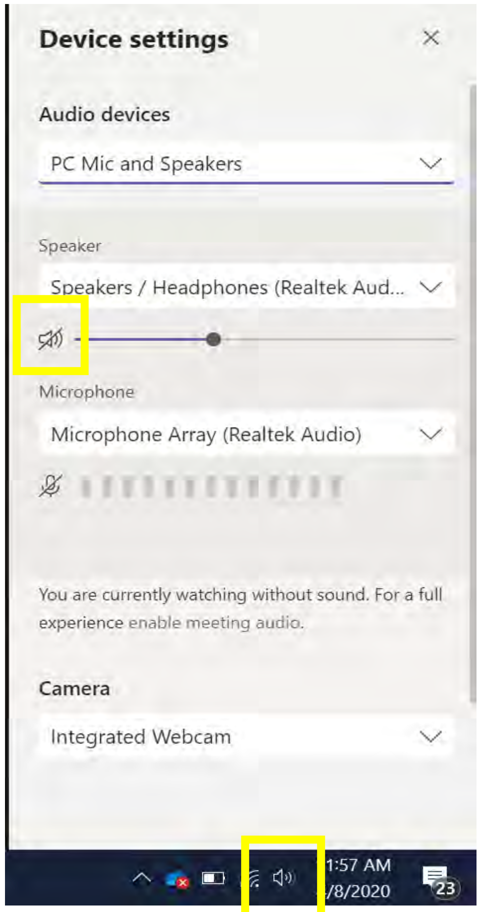
Once you click Show Device Settings, a menu bar will appear on the right of your screen (pictured below). Even though your volume bar on the bottom right of your PC screen shows on that it is not muted (bottom highlight) the setting in your MS Teams call for "speaker" is muted. Simply click the crossed out speaker icon to have audio in your call. In Device Settings you can also toggle which camera you want to use (if you have more than one) and choose which audio output you want to use (laptop, external speakers, headphones, etc.)



NOTE ON CAMERAS CONNECTED TO DESKTOP MONITORS COMPARED TO LAPTOP CAMERAS

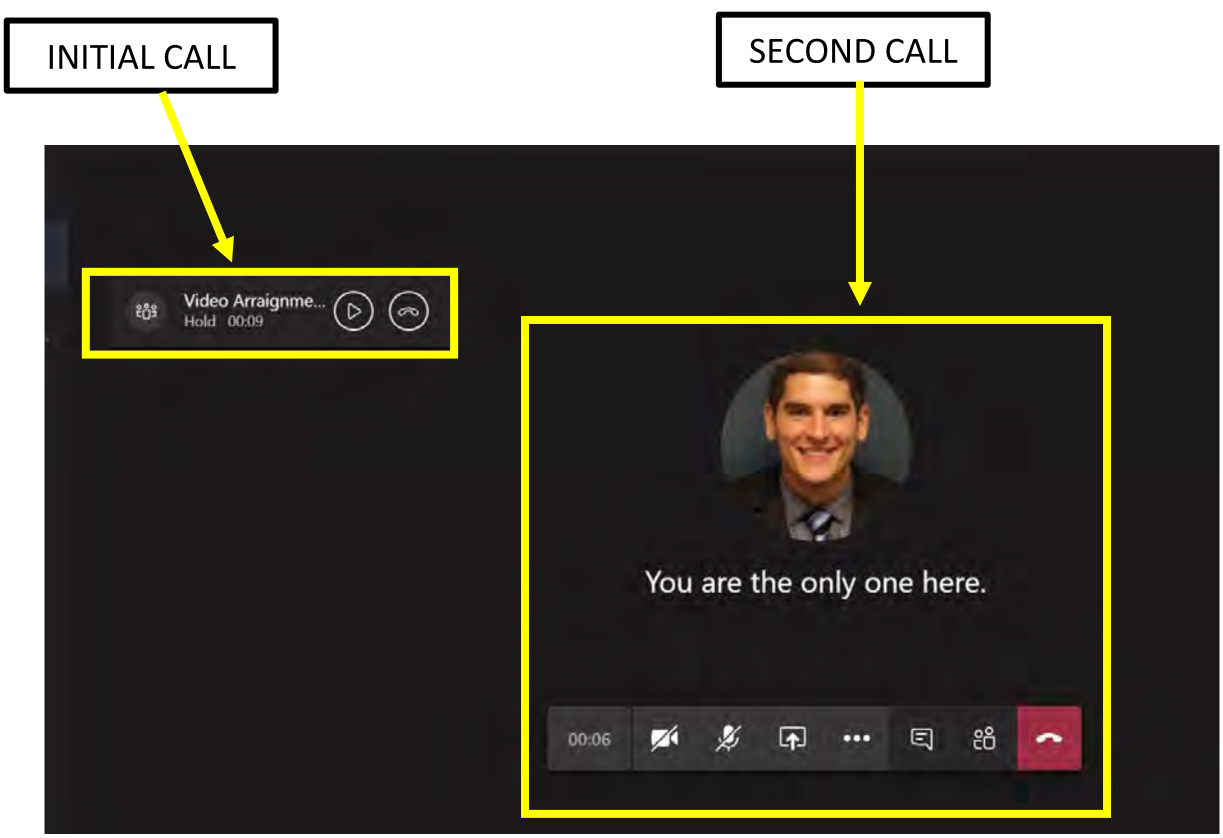
MANY MAY HAVE FIRST TESTED OUT MS TEAMS USING THEIR LAPTOP, WHICH HAS A BUILT IN CAMERA. LUCKY FOR US, ALL OFFICE ISSUED DESKTOP MONITORS (THOSE CONNECTED TO YOUR OFFICE LAPTOP DOCKING STATION) HAVE AUDIO AND VIDEO CAPABILITIES. IN ORDER TO USE YOUR DESKTOP MONITOR'S CAMERA, CONFIRM THE FOLLOWING: (1) A POWER CABLE TO TURN ON YOUR MONITOR; (2) HDMI, DISPLAY PORT OR VGA CONNECTION INTO YOUR MONITOR; AND (3) USB CONNECTION. THE BEST WAY TO TEST YOUR MONITOR IS TO FOLLOW THE STEPS ABOVE UNDER "TESTING YOUR VIDEO FEED."

HOW TO PIN SPECIFIC PARTICIPANTS IN YOUR VIEWING AREA DURING A CALL

Microsoft Teams only allows four participants to show during a call, even though there are more than four participants on the call. If you want to keep one specific participant (or two or three or four) always displayed, you have to use the **Pin** feature. Simply right click on that persons video box or icon at the bottom and select "pin." To unpin that person, right click and hit "unpin."

JUMPING BETWEEN JAIL FACILITY FEEDS

Occasionally you may have more than one case with defendants that are housed in various jail facilities. Not a problem. Using the link chart, you can have multiple calls open at once (up to four). Whenever you have one call open and then click one of the links below to open a *second* call, the first call will automatically be placed on hold, showing up as seen below. To end/resume the original call, use one of the buttons on that calls dialogue box, as shown below.



<u>Microsoft Teams Hyperlink Chart</u>

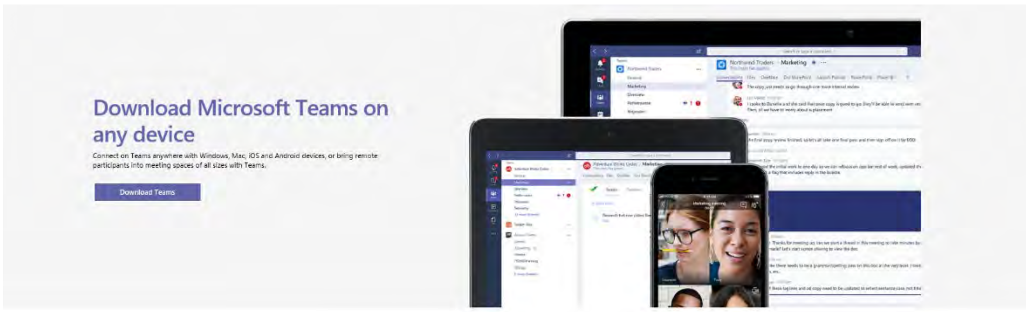
	SDCJ	
	VDF	
	SBDF	
	LCDF	
	GBDF	
	FAC8	
	EMRF	

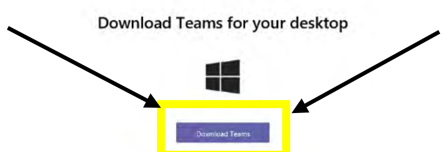
With questions, contact DDA Chris Campbell (843) 684 3588

Microsoft Teams How To Guide (Desktop Version)

HOW TO INSTALL THE MS TEAMS APP

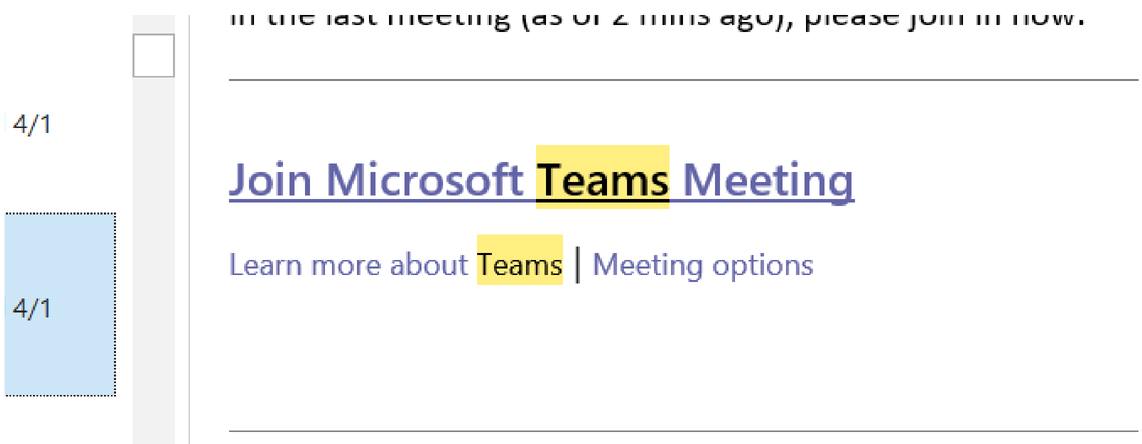
Copy and paste this link in your browser:
https://products.office.com/en-us/microsoft-teams/download-app#desktopAppDownloadregion





DOWNLOADING THE MS TEAMS APPLICATION (GOOGLE CHROME – RECOMMENDED BROWSER)

Upon opening the “invite” email from your Chief/representative from the DA’s Office, you will notice a link titled “Join Microsoft Teams Meeting” in the email, as shown below. Click that link.



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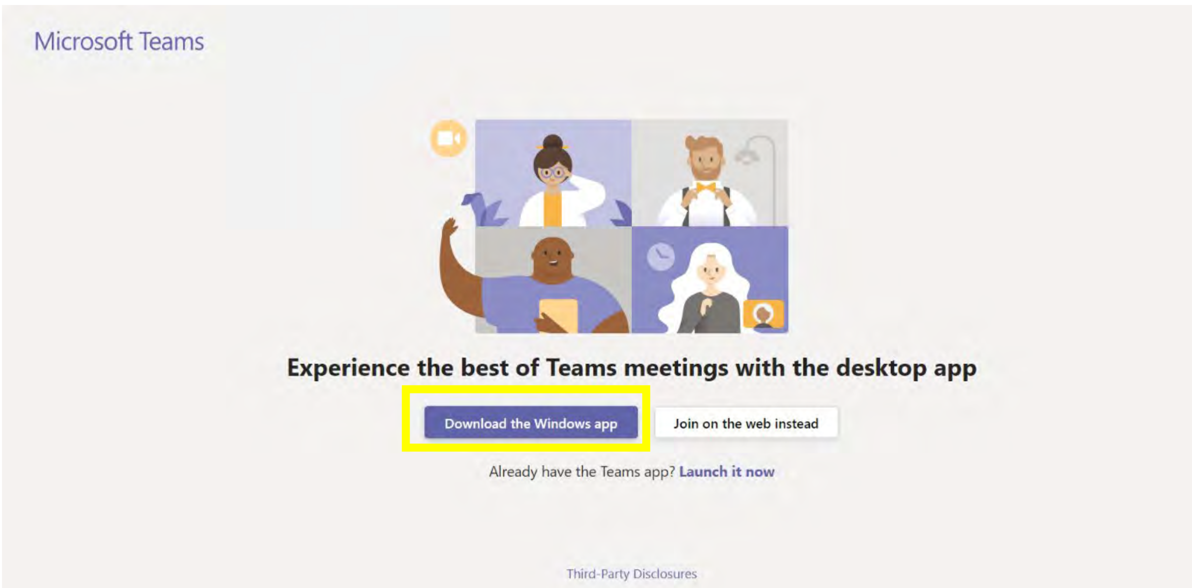
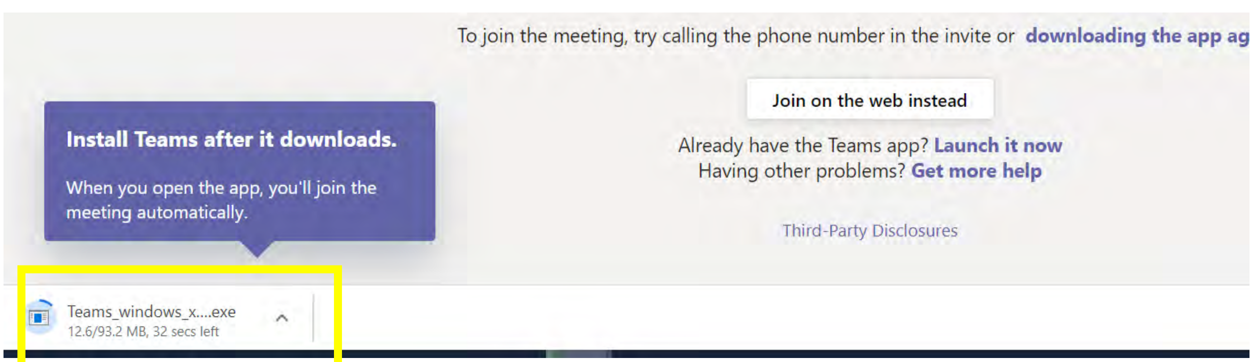
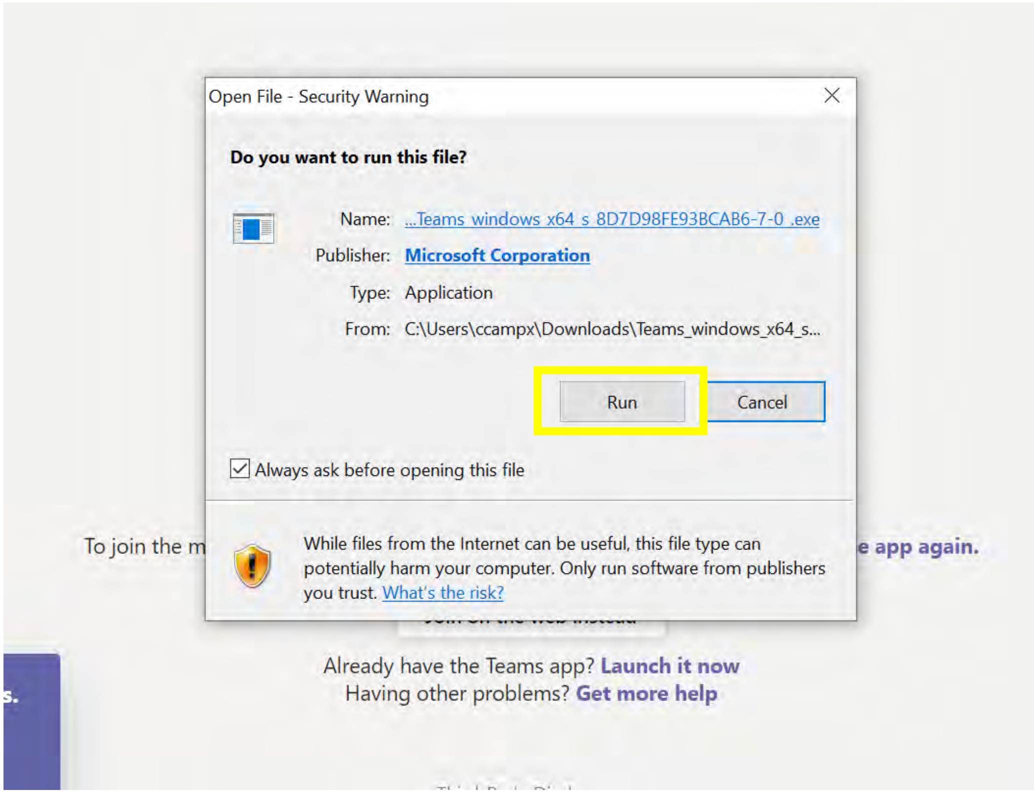
Once you click the link above in your email, a new page will open up (pictured below). You will then have several options to choose from. You should choose the "***Download the Windows App***" so that you can download and install MS Teams on to your machine. Note, if using a work laptop, you DO NOT need ITD's permission to download this app, so you can do it on your own – either at home or in office. If you already have MS Teams on your computer, you can click the ***Launch it now*** selection which will bring you directly into MS Teams and the corresponding meeting. If, for some reason, you do not have MS Teams already on your computer and cannot download it but need to join the meeting, you can click ***Join on the Web Instead*** to join the meeting directly from your internet browser.



After selecting "Download the Windows app," you will see the Google Chrome download bar pop up on the bottom portion of your Chrome browser. You will see that your computer is downloading the MS Teams program, as shown below.



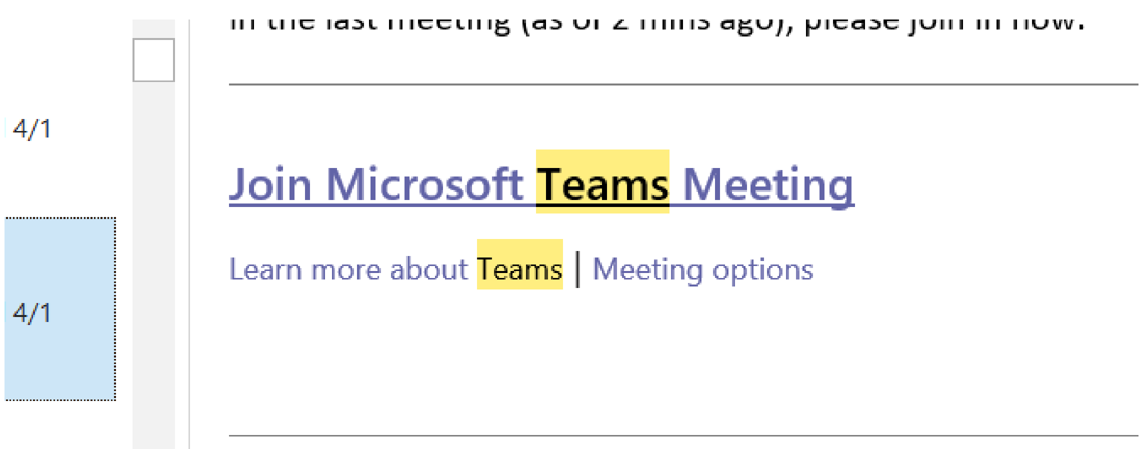
Once the download is finished, click on the ^ and then click "Open." This will bring up the below prompt. When that prompt appears, click the "Run" button to start the install on your computer.



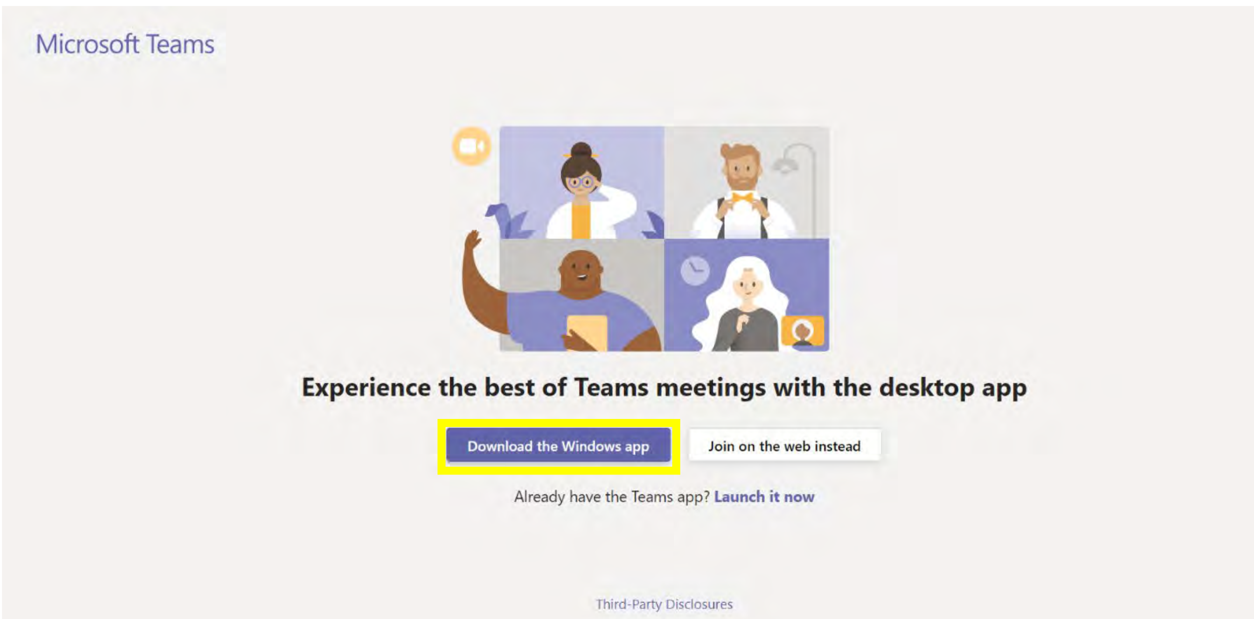
After installation is complete, please proceed to **LOGGING IN TO YOUR ACCOUNT IN MS TEAMS AFTER INSTALL.**

DOWNLOADING THE MS TEAMS APPLICATION (WINDOWS INTERNET EXPLORER)

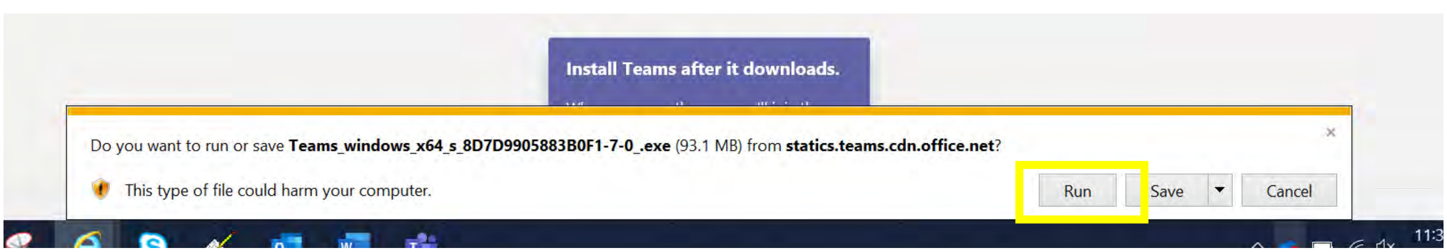
Upon opening the "invite" email from your Chief/representative from the DA's Office, you will notice a link titled "Join Microsoft Teams Meeting" in the email, as shown below. Click that link.



Once you click the link above in your email, a new page will open up (pictured below). You will then have several options to choose from. You should choose the "***Download the Windows App***" so that you can download and install MS Teams on to your machine. Note, if using a work laptop, you DO NOT need ITD's permission to download this app, so you can do it on your own – either at home or in office. If you already have MS Teams on your computer, you can click the ***Launch it now*** selection which will bring you directly into MS Teams and the corresponding meeting. If, for some reason, you do not have MS Teams already on your computer and cannot download it but need to join the meeting, you can click ***Join on the Web Instead*** to join the meeting directly from your internet browser.



After selecting "Download the Windows app," you will see the download bar pop up on the bottom portion of your internet browser. You will see that your computer is downloading the MS Teams program, as shown below. When that prompt appears, click the "Run" button to start the install on your computer.



After installation is complete, please proceed to **LOGGING IN TO YOUR ACCOUNT IN MS TEAMS AFTER INSTALL.**

LOGGING IN TO YOUR ACCOUNT IN MS TEAMS AFTER INSTALL

Once you install and click on your MS Teams program on your desktop, you will need to log in with a username/email address. Please use your "lan ID" – the ID you use to log in to your computer with – followed by @sdcda.org. For example: ccampx@sdcda.org. The password will be the same password you use to log in to your computer. You will then receive a DUO Push Notification to whichever device you have setup for the Push Notifications. Please have that device handy. You will only need the DUO Push Notification authorization this one time when setting up MS Teams initially.

HOW TO CREATE A TEAMS MEETING FROM SCRATCH

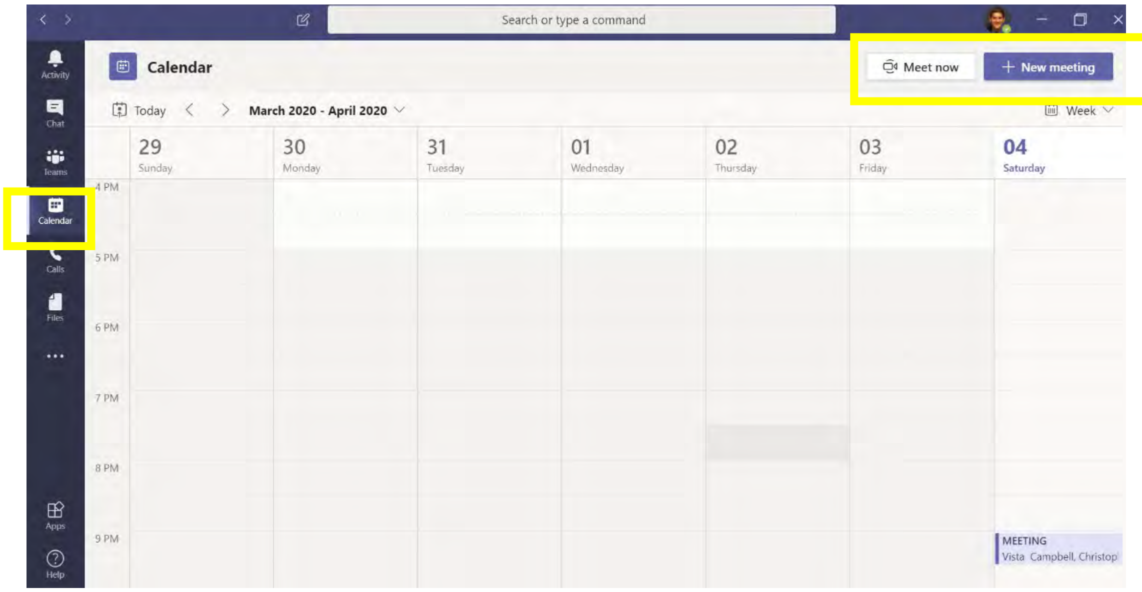
NOTE ON THE PRELIMINARY HEARING PROCESS:

AS NOTED IN PREVIOUS OFFICE WIDE EMAILS, PRELIMINARY HEARINGS WILL BE DONE THROUGH VIDEO "APPEARANCES" BY ALL PARTIES – JUDGES, DEFENDANTS, DEFENSE ATTORNEYS, WITNESSES AND PROSECUTORS. THE CLERK OR SHERIFF'S DEPUTY ASSIGNED TO THE SPECIFIC COURTROOM WHERE THE PRELIMINARY HEARING IS ASSIGNED WILL BE THE ONE TO SEND OUT THE MS TEAMS INVITE TO EITHER CHIEFS, TEAM LEADERS OR DDA'S. THEREFORE, AT LEAST AT THE OUTSET, DDA'S WILL NOT BE INITIATING MS TEAM MEETINGS FOR PRELIMINARY HEARINGS AND COURT APPEARANCES. HOWEVER, IT IS IMPORTANT THAT WE STILL UNDERSTAND HOW THE SYSTEM WORKS SO THAT WE ARE FULLY AWARE OF ITS CAPABILITIES.

EVEN THOUGH WE WILL NOT BE INITIATING THE MS TEAM MEETINGS, AS DDA'S WE WILL STILL BE RESPONSIBLE FOR "INVITING" OUR WITNESSES (MOSTLY LAW ENFORCEMENT) TO "JOIN" THE MS TEAM MEETINGS. TO DO THAT, THE ASSIGNED DDA WILL INVITE THE WITNESS VIA MS TEAMS BY USING THE PRE-DESIGNATED EMAIL ADDRESS OF THE COMPUTER TERMINAL THE WITNESS IS WAITING AT IN WHICHEVER PREASSIGNED TESTIMONY ROOM LOCATION THAT HAS BEEN SET UP. ONCE THAT WITNESS HAS TESTIFIED AND IS DONE, THEY CAN LEAVE THE TERMINAL ACTIVE SO THE NEXT WITNESS CAN "TAKE THE STAND" AND TESTIFY.

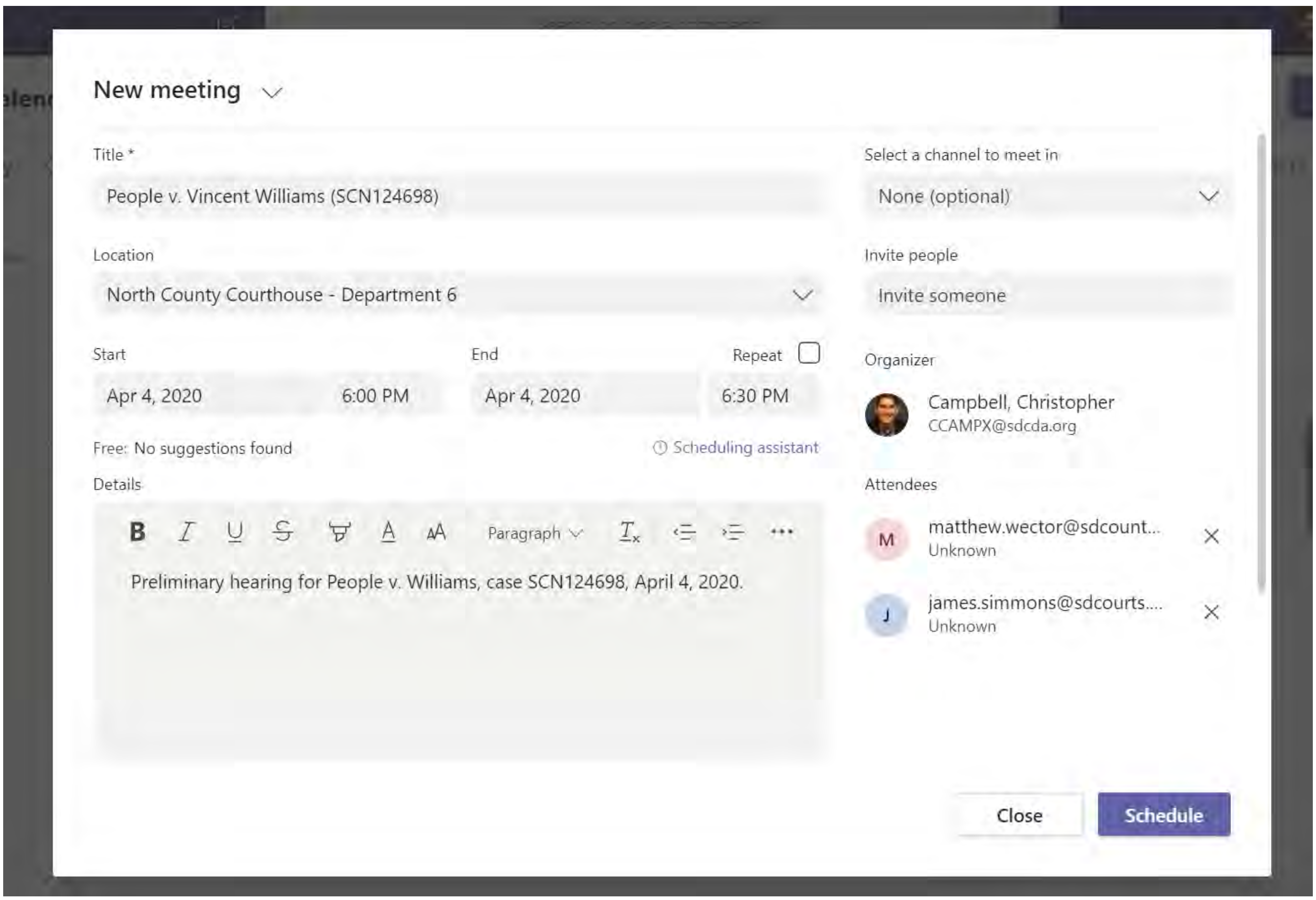
******TO LEARN HOW TO CREATE YOUR OWN MS TEAMS MEETING, CONTINUE ON IN THIS SECTION. IF YOU WANT INFORMATION ABOUT THE OPTIONS AVAILABLE TO YOU DURING A MEETING – SUCH AS A PRELIMINARY HEARING, PLEASE JUMP TO THE FOLLOWING SECTION TITLED "VARIOUS OPTIONS TO UTILIZE DURING A MEETING."******

To create a new “Meeting” in MS Teams, start by clicking the calendar Icon on the left side of your MS Teams. Once you do that, your “Calendar” will appear. Note, your calendar in MS Teams will mirror that which is in Outlook, so you will see any meetings/hearings/appointments you have set up in Outlook in MS Teams. Once you are in your MS Teams Calendar, select either “Meet Now” or “New Meeting.”



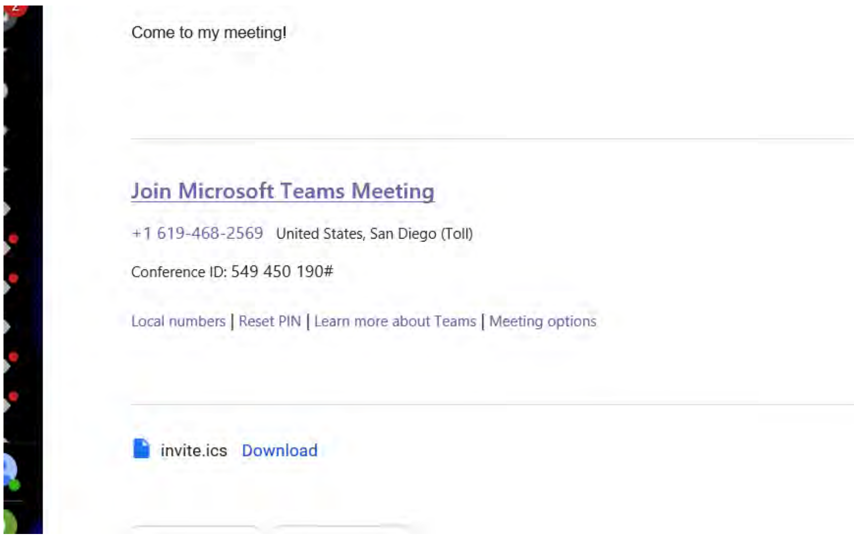
(*section continued on the next page*)

You will be using the "New Meeting" option more often. Once you click on "New Meeting," the below dialogue box will appear. ***Title*** of the meeting will be what the meeting is named when started in your MS Teams program. For instance, it may be a good idea if as DDA's we are creating the "meetings" for the preliminary hearings that we use the title for the case name and number, making it easily discernable to judges, defense attorneys and defendants. ***Location*** won't be too important, but it may be useful to put in the courthouse location, e.g. North County, for tracking purposes. The department number may also be informative if it's applicable with our new remote hearing system. ***Start*** and ***End*** are the time frame in which the hearing will be conducted. For ***Start*** you can enter any time down to the minute. For ***End*** it will likely be beneficial to overestimate your normal preliminary hearing time estimate. ***Details*** is what will appear in the email invite sent out to those you invite to the meeting (see picture below "Private Meeting" capture). Lastly, ***Invite People*** is where you enter in those you want to invite, by email address. Anyone in our office will automatically populate when you start typing their name. However, those outside our office will not, so you will need to enter their specific email address to sent them the invite.

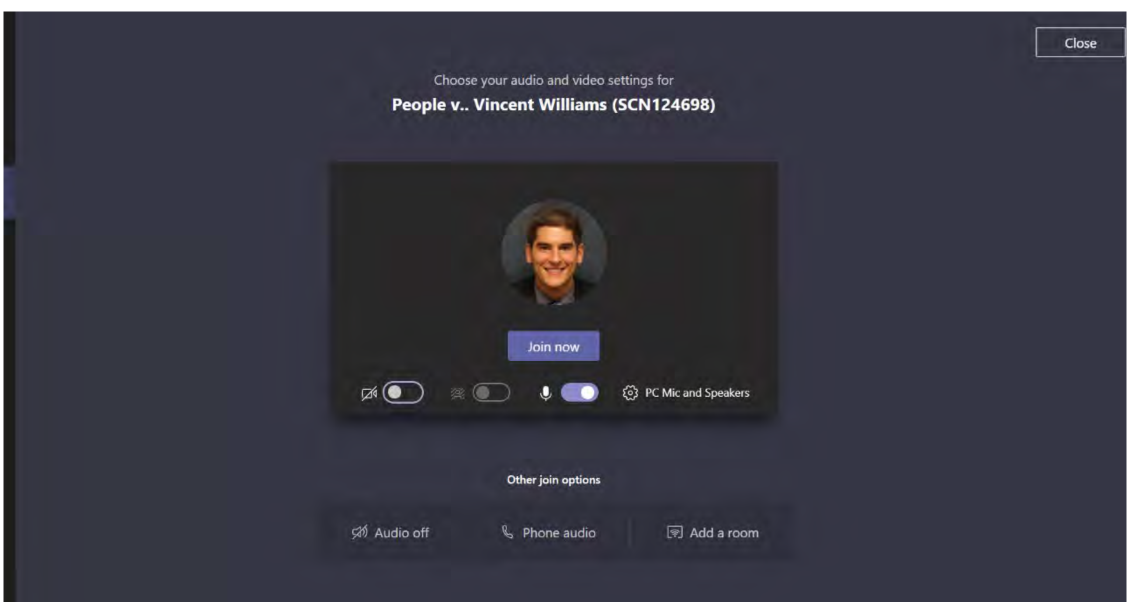


(*continued to next page*)

Once you complete the above information and click “Schedule,” an email invite will go out to those you “invited” to the meeting. The email received by those invited will include a “link” for them to join the meeting, as seen below. It is important to know, those joining the meeting do not need to already have an account with MS Teams, they can join the meeting as “Guest” and have accessibility to all the functions.

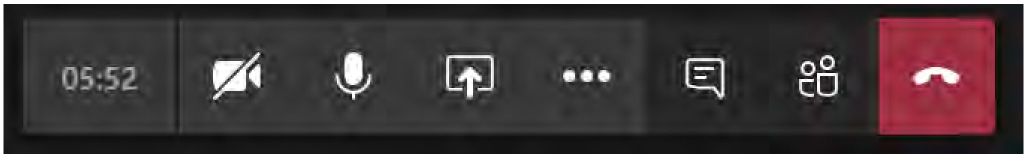


Once the meeting begins, it will look like what is pictured below. As you can see, whatever you put as the “Title” when you created the meeting will be displayed at the top of the meeting for its entirety.



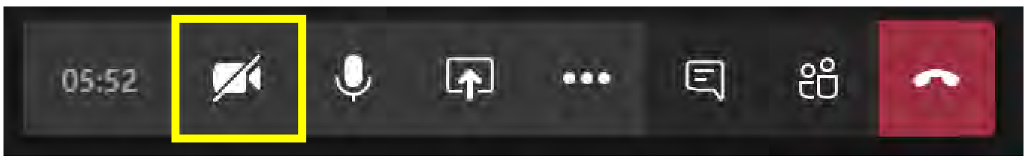
VARIOUS OPTIONS TO UTILIZE DURING A MEETING

Once you are engaged in a meeting, there are several different options that you need to be familiar with. The control bar pictured below will be on your screen during any meeting.



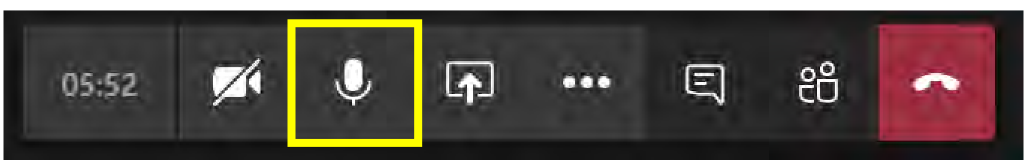
Video Toggle

During a "meeting," you will have the option to utilize video. The video toggle button allows you to turn your video feed on and off at your control, whenever you feel it necessary.



Mute / Unmute

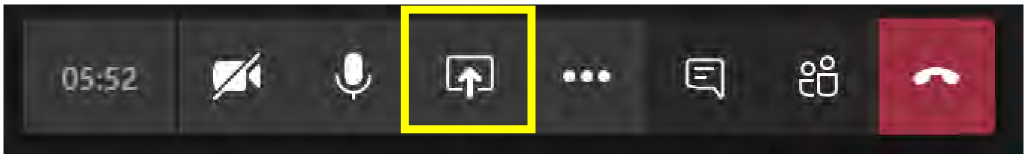
During a "meeting," you will have the option to utilize audio. The mute function allows you to mute your audio on command, meaning those participating in the meeting cannot hear you when you have your audio muted.



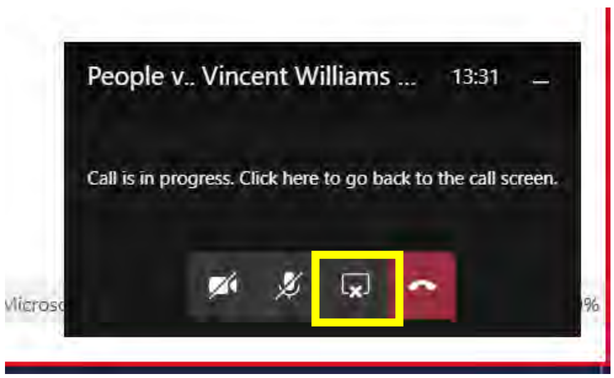
(*section continued on the next page*)

Screen Sharing – Photos, Videos, Files (Exhibits)

During a “meeting,” you have the option to share with those participating virtually anything you wish. The sharing feature will present whatever is on your screen to those participating in the meeting, similar to a “presenter” view. MS Teams sharing allows you to share your desktop, open programs/windows on your computer, and any files either open or to be open when using the sharing function.



Once you choose to “share” a program/window/file during a meeting, you will enter a sharing or presenter view. It is important to note that once in presentation mode, anything you do on your screen will be reflected to those participating. However, you will still have access to video toggle and the mute function in sharing mode. Your new options panel will look as pictured below. Simply click the highlighted button to exit out of sharing mode but still stay in the meeting.



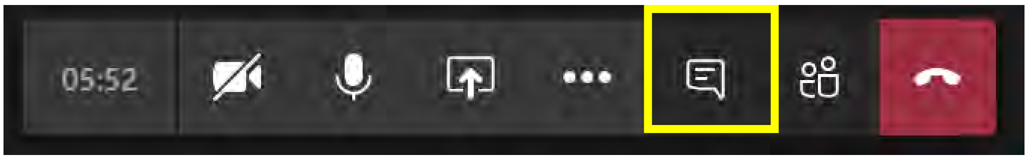
Note on Exhibits being used for Preliminary Hearings:

Remember, we want to keep prelims as concise as possible while still establishing probable cause. DDA’s are strongly encouraged to do prelims without exhibits if possible. . If, however, exhibits are needed, there are several options being considered. 1) email to the Court and all parties, prior to the start, the paginated photos/documents/etc.., 2) a designated “runner” will bring a hard copy to the court clerk upon courtroom assignment, and/or 3) screen share the exhibit, make the record, and later email/deliver the exhibits to the clerk to lodge with the court file.

******A preferred method for exhibits has not yet been established. Please discuss with your Chief or Assistant Chief, or contact DDA David Grapilon.******

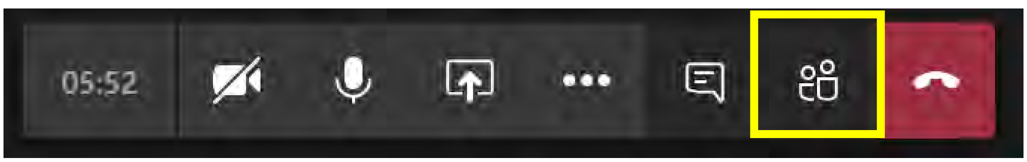
Show Conversation, Chat and Send Files

During a “meeting,” you have the option to open a side window next to the meeting to “chat” with other participants. Anything you type in the chat area will be seen by ALL participants. Amongst other things, the chat function also allows you share/send files through the chat window. Files can include photographs, documents, videos, and virtually any other file. To close the conversation/chat window, just simply click the show conversation button again.

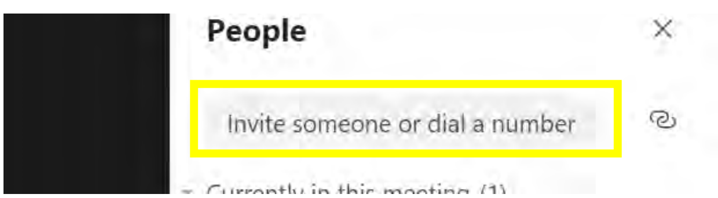


Add Participants to Meeting

During a “meeting,” you have the option to add other participants that either dropped out of the meeting or were left off in the beginning. Start by clicking the “show participants” button that is highlighted below.

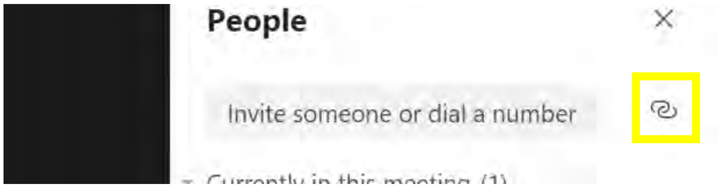


Once you click the “show participants” button, a dialogue box will appear on the left. At the top of that box will be a box that allows you to “invite someone or dial a number” in order to add someone to the call. Adding someone operates differently than if you were to add them when creating the meeting. Unfortunately, during a meeting the only members you can add in a simple way (by typing their name in the box) are those within the DA’s Office. All others must follow the next step.



(*section continued on the next page*)

When adding an “external user” (those outside the DA’s Office, like the pre-designated witness email address for testimony rooms), you must click the link icon to the right of the invitation box, highlighted below. When you click that, you will see “copied to clipboard” appear. That means the link to “Join Meeting” will be ready for you to paste in a separate email through outlook. While the meeting is ongoing, open up Outlook, create a new email to whoever you want to add to the meeting, and paste the Join Meeting in the body of the email by simply right clicking in the body and clicking paste.



Microsoft Teams – Quick Guide

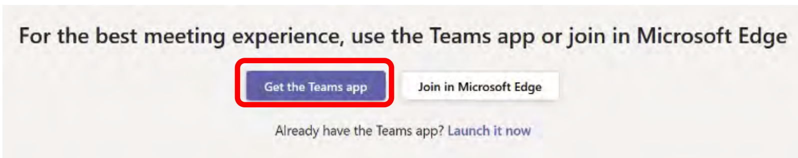
Installation

There are two different methods to install Microsoft Teams

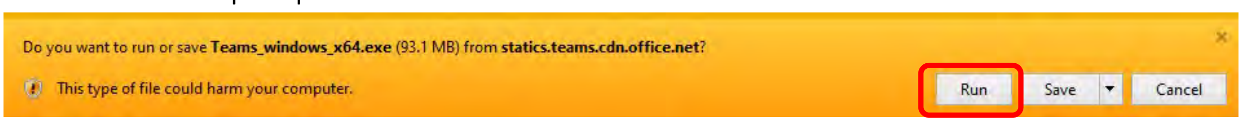
(Method 1) Teams Meeting Calendar Invite

1. **Open** the Teams Meeting Calendar from Outlook (make sure to run Outlook outside of DA Portal), https://office.com
   - I. Click on **Join Microsoft Teams Meeting**

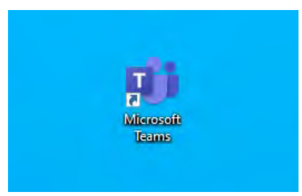
   - II.



   - III. Click on **Run** when prompted at the bottom of the browser

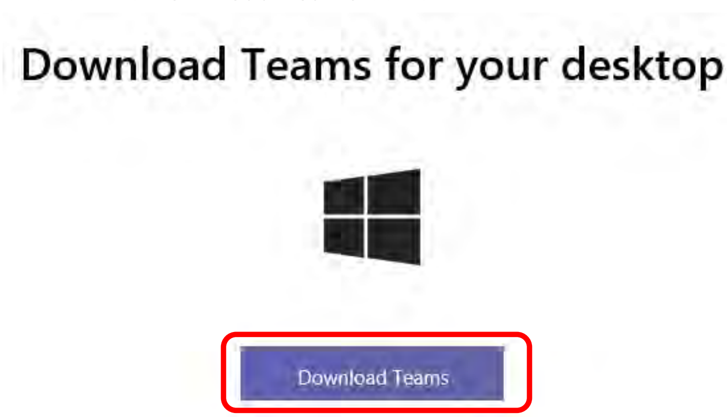


   - IV. An icon will be created on your desktop once installation is complete
   - V. **Run** Microsoft Teams and sign in using
     Username: LAN_ID@sdcda.org
     Password: computer password

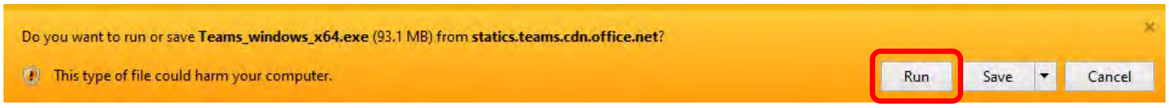


(Method 2) Download Link

1. Copy and paste link onto web browser (make sure you are running a browser outside of DA Portal)
   https://products.office.com/en-us/microsoft-teams/download-app
   - I. Click on the **Download Teams** button

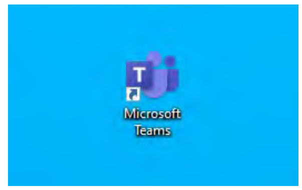


II. Click **Run** when prompted at the bottom of the browser

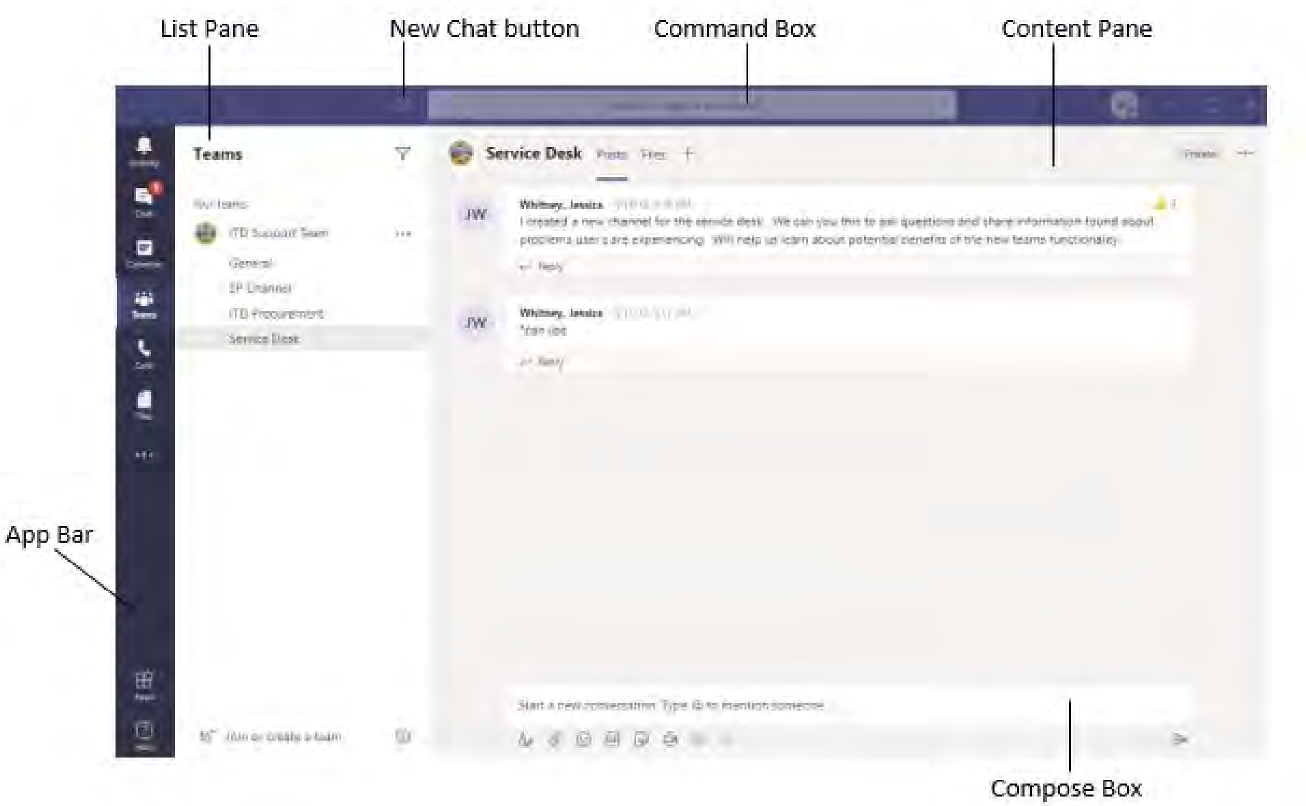


VI. An icon will be created on your desktop once installation is complete

VII. **Run** Microsoft Teams and sign in using
Username: LAN_ID@sdcda.org
Password: computer password

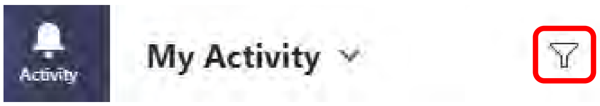


Interface Overview

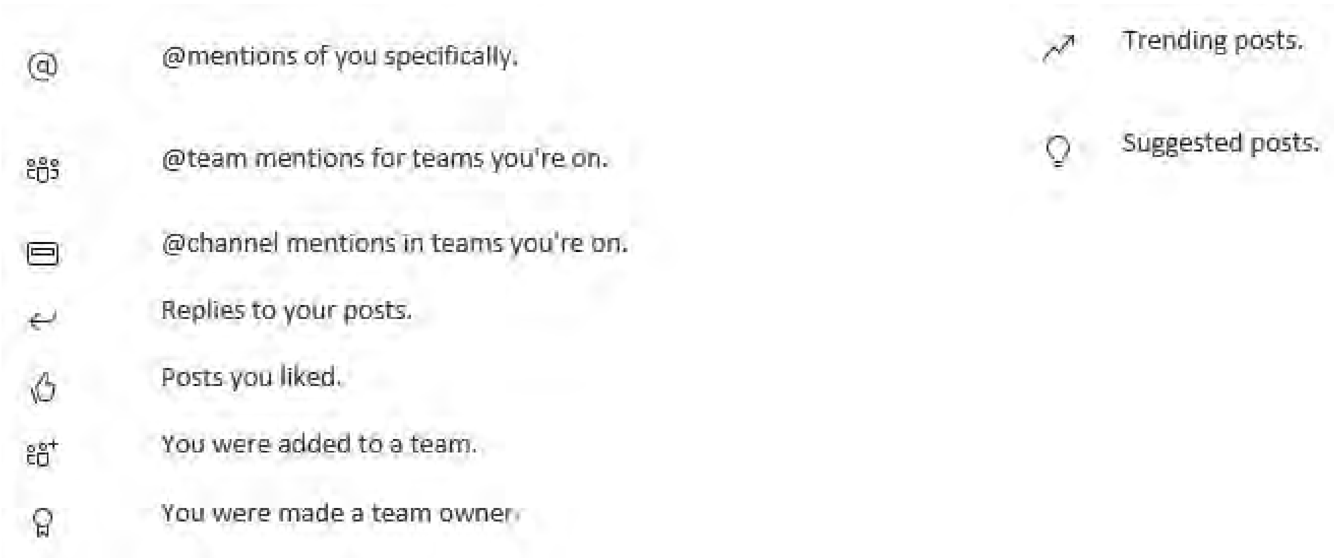


Activity

Select **Activity** to view your Activity feed, a summary of everything that's happened in the channels that are in your teams list. Select **Filter** at the top right corner of the feed to show specific types of messages such as unread messages, @mentions, replies, and likes.



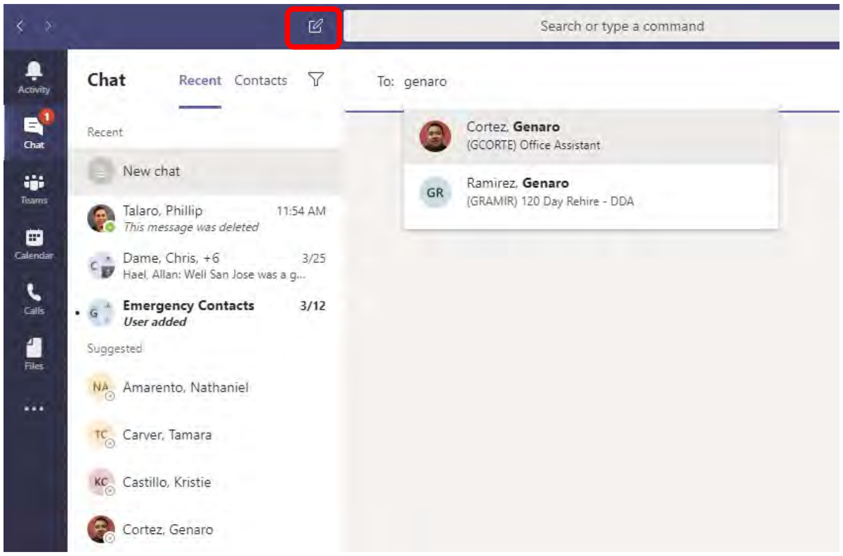
For a more specific feed, go to the **Feed** menu and select **My activity**. You'll get a list of everything you've been up to lately in Teams.

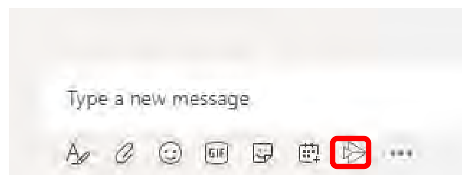


Chat

Start a Chat

You start a **one-on-one chat** by selecting **New chat** at the top of your chat list. Enter the message in the compose box, select **Send**



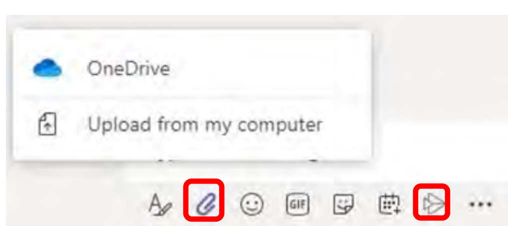


Start a **group chat** the same way you start a one-on-one chat: select **New chat** at the top of your chat list. Select the down arrow to the far right of the **To** field and type a name for the chat in the **Group name** field.

Then, type the names of the people you'd like to add in the **To** field.

Share a File

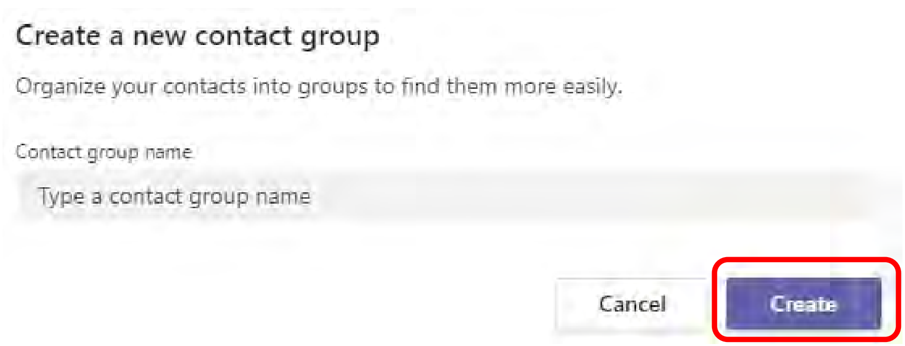
To send a file in a one-on-one or group chat, select **Choose file** beneath the compose box, select the file you want to share, and then send.



Create a Contact Group

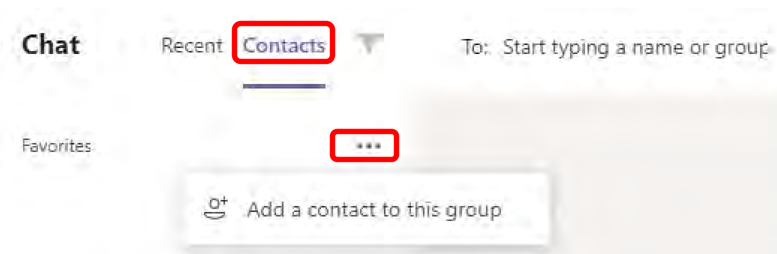
Click **Chat**, click the **Contacts** tab, and at the bottom of the tab, click **Create a new contact group**.

Name your group and click **Create**. You can always rename or delete your group later.

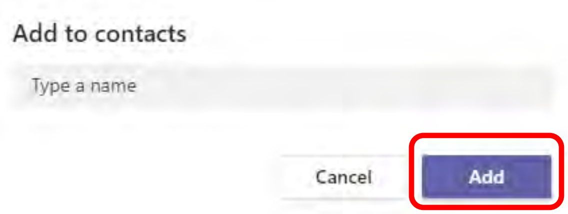


Add People to Contact Group

Click **Chat**, click **Contacts**, and then click **More options** ••• beside the group's name.



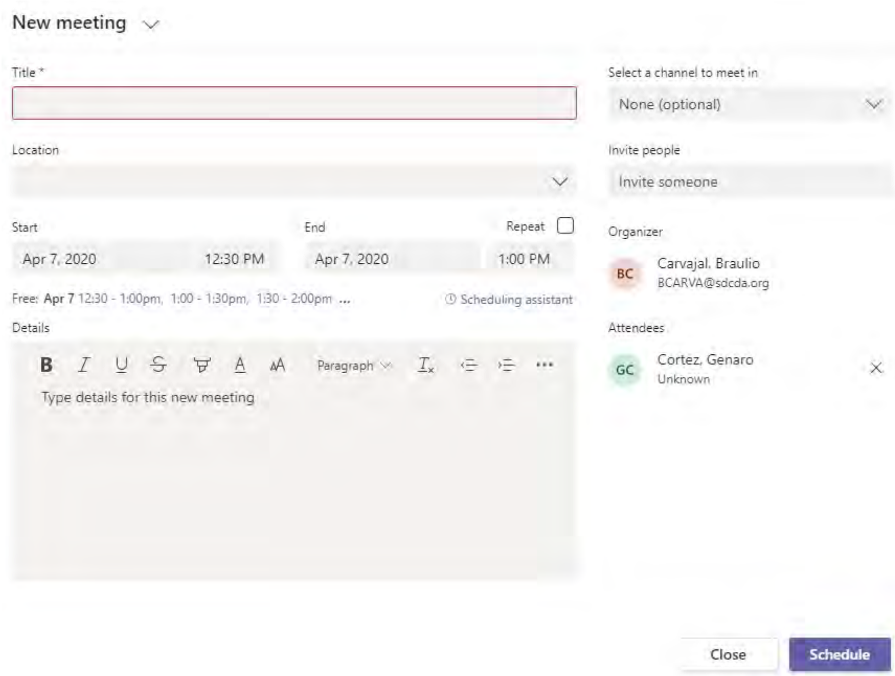
Click **Add a contact to this group**, type the name of a team member, and then click **Add**.



Calendar

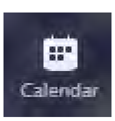
Schedule a Meeting within a Chat

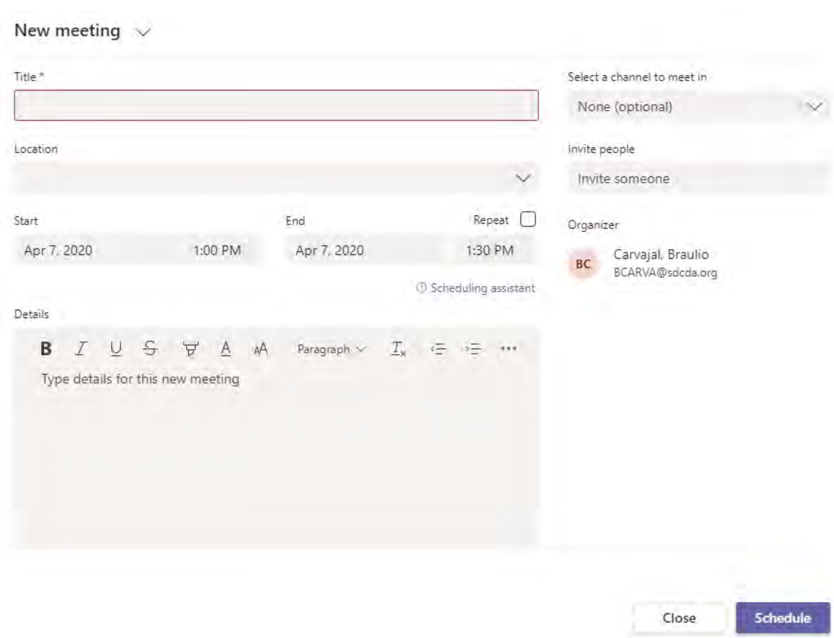
Select **Schedule a meeting** in a chat to book a meeting with the people in the chat.



Schedule a Meeting with Calendar tab

Go to **Calendar** on the left side of the app and select **New meeting** in the top right corner.

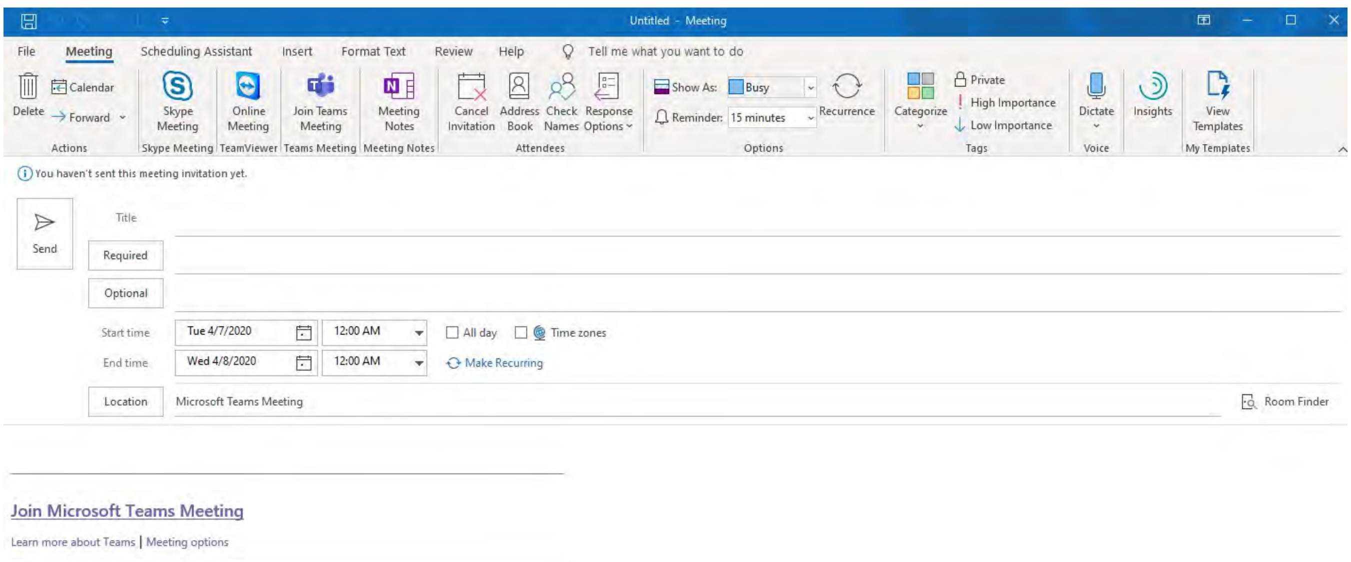




Schedule a Meeting within Outlook

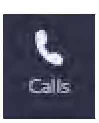
Open Outlook and switch to the calendar view. Click **New Teams Meeting** at the top of the view.

Add your invitees to the **To** field. Add your meeting subject, location, start time, and end time.



Calls

To dial a number from Teams, go to **Calls** , click **Make a Call**, and then enter the name of the person you want to reach.



Then click **Audio** or **Video Call** button.

Enable/Disable Camera or Audio

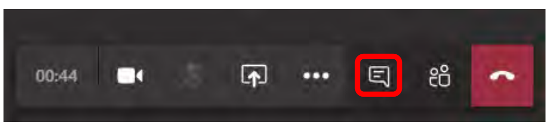
To enable/disable camera or Audio during a call, click on the **Camera** or **Microphone** button.

Share your Screen

To share your screen during a call, click on the **Share Screen** button.

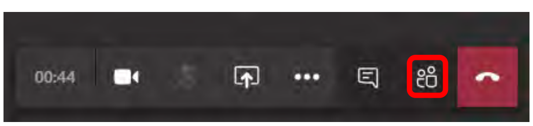
Show Chat

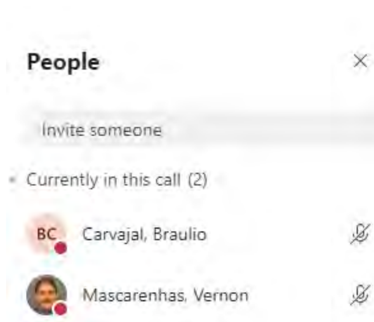
To show chat messages during a call, click on the **Conversation** button.



Show Meeting Participants

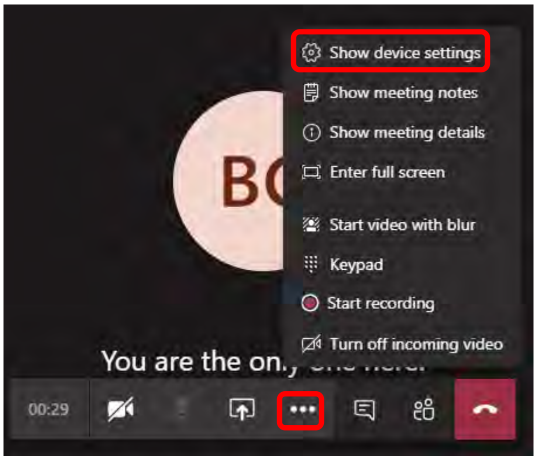
To show which people are attending the meeting click on the **Participants** button.

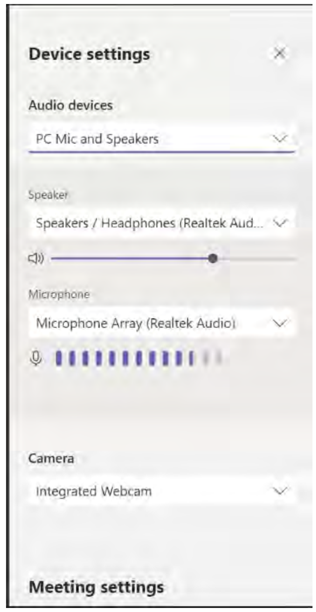




Change Audio/Video settings

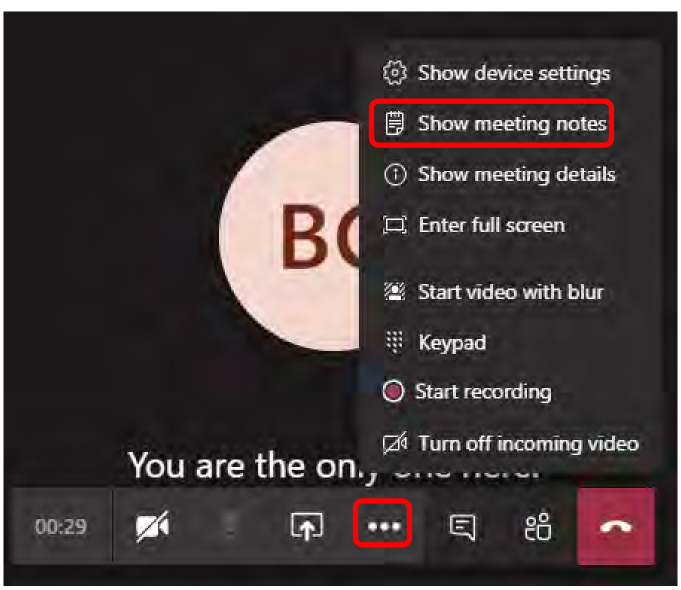
To change Audio/Video devices while on a call, click the **More options** button on the control bar and select **Show Device Settings**. Click the list arrows for audio devices and the camera to select from available devices. Make sure that devices are active and connected and that they match your current computer audio/video setup.





Take Meeting Notes

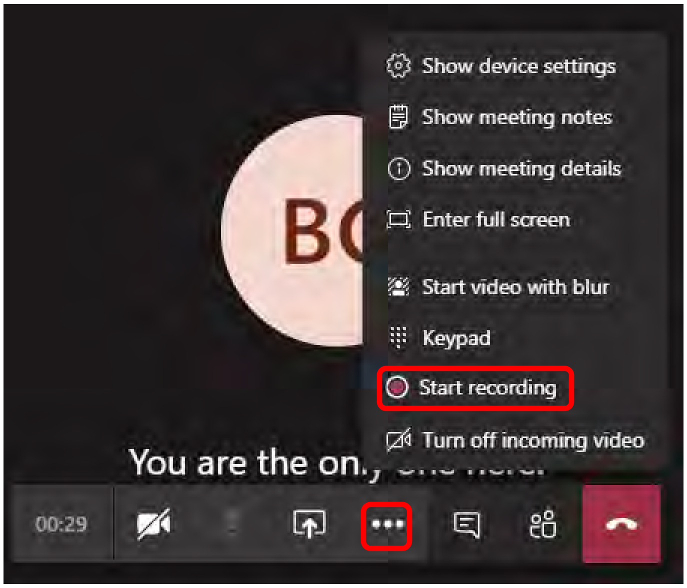
Once you're in the meeting, go to **More options** > **Show meeting notes** in your meeting controls. If you have not taken any notes yet, select Start taking meeting notes.



Use @mentions to draw someone's attention to a specific note or assign an action item.

Record a Meeting

To start recording, go to the meeting controls and select **More options** ••• > **Start recording**



Admitting Defendant's Booking Screen to Help Establish ID

1) Contact your Paralegal
2) Ask them to print out your Defendant's **MOST RECENT** booking screen (current arrest)
   a. This will matter as the ***current booking number*** [Blue Box below] is tied to Complaint

San Diego Sheriff's Department
Inmate Detail Report

PERSONAL

Last: STORY
First: JOSHUA
Middle: MANU
Sex: M
DOB: 05/02/1993
Age: 26
Birth Place: SAN DIEGO, CA
SSN:
RJ System #: 11261042342
Gang Flag:
Inmate Loc.: IN - IN
DNA Status: Completed
Citizenship: UNITED STATES
Foreign Notify: Y
Language: ENGLISH
English Ability: Excellent
Race: OTHER
Hair: BLACK
Eyes: BROWN
Height: 601
Weight: 255.00 lbs.
Remarks (1st Arr):

JID#: 400246522
BK#: 19752572
CLASS: 5 MAXIMUM

Arr. Agency: Fugitive Task Force
Arr. Location: 47 TH ST @ MARKET
Officer: CABRAL
Officer ID: 7416
Arr. Date: 08/21/2019
Agency Case #:
Custody Days: 226
Booking Date: 08/21/2019
Booking Time: 17:23:08
Jail: SBDF South Bay Detention Facility
Area/HU/Cell: 4/A/22
Hold:
Arrest Type: BOOKED-SUPR CRT WARR
Date Released:
Release Type:
Proj. Release Date:
Sentenced: No
Bail Status: Not Eligible For Release, Bailable Cases, But No Release;

3) Paralegal will "Certify" that record pursuant to Evidence Code section 1530 by signing and dating

County of San Diego District Attorney's Office

I hereby certify that the document to which this is affixed is a true and correct copy of a booking document obtained from the San Diego County Sheriff's Department through San Diego Law and Justice System.

Signed____________________

Date_____________________

4) Make sure to ask that the certification is placed ***on the front*** of the printout [necessary for ease in scanning of booking sheet into PDF exhibit; Certification can go anywhere on the document]
5) Paginate the certified booking sheet as your first page of your exhibits.
   a. This will become "Exhibit 1" in your PDF of Exhibits [This pre-pagination is required by the new Video Conference Rules;)

San Diego Sheriff's Department
Inmate Detail Report

PERSONAL

Last: STORY
First: JOSHUA
Middle: MANU
Sex: M
DOB: 05/02/1993
Age: 26
Birth Place: SAN DIEGO, CA
SSN:
RJ System #: 11261042342
Gang Flag:
Inmate Loc.: IN - IN
DNA Status: Completed
Citizenship: UNITED STATES
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Hold:
Arrest Type: BOOKED-SUPR CRT WARR
Date Released:
Release Type:
Proj. Release Date:
Sentenced: No
Bail Status: Not Eligible For Release, Bailable Cases, But No Release;

1

6) Scan the booking sheet, and the rest of your exhibits, into a PDF file using the "Scan and Send" feature on the printer; this will send a PDF file to your Outlook account

7) Email PDF of exhibits to the Court and to all Defense Counsel via email PRIOR TO start of prelim [Required under new Video Conference Rules]

8) Before calling your first witness:
    a. Confirm all Parties received PDF of exhibits
    b. Confirm the number of Exhibits/Pages contained in the PDF with Court and Counsel
    c. Ask the Court to take Judicial Notice of the following information in the Complaint
        i. The Defendant's name

            Penal Code section 989 requires a criminal defendant to confirm their true name during the arraignment procedure. This should be done as a matter of course at every arraignment in the County.

        ii. The Defendant's DOB
        iii. The Defendant's Booking Number

        ***Court is authorized to take Judicial Notice pursuant to Evidence Code section 452(c) [Official acts of the Executive Branch – ie. our filing of the Complaint] and Evidence Code section 452(d) [Records of any Court of the State]

        ***If D/C objects to the Court taking Judicial Notice as "hearsay" direct the Court to the multitude of cases that hold "every court takes judicial notice of its own records in the same case." (*The Golden Gate* (1923) 286 F. 105; *People v. Clay* (1962) 208 Cal. App. 2d 773 ["There is no question that a court may take judicial notice of its own records in the very cause before it at the moment"]; *Foster v. Gray* (1962) 203 Cal. App 2d 434 ["the court, on its own motion…no doubt took judicial notice of its own records, which it was entitled to do."])

9) Admit Booking Sheet [Exhibit 1 of your PDF] into evidence
    a. Should defense object to the introduction of the booking sheet, see below for legal arguments

I.

EXHIBIT 1 IS AN "OFFICIAL RECORD" WITHIN THE MEANING OF EVIDENCE CODE SECTION 1280 AND *MARTINEZ*

The Official Records exception to the hearsay rule in contained within Evidence Code section 1280. That section states:

> Evidence of a writing made as a record of an act, condition, or event is not made inadmissible by the hearsay rule when offered in any civil or criminal proceeding to prove the act, condition, or event if all of the following applies:
>
> (a) The writing was made by and within the scope of duty of a public employee.
> (b) The writing was made at or near the time of the act, condition, or event
> (c) The sources of information and method and time of preparation were such as to indicate its trustworthiness.

Unlike the Business Records exception in Evidence Code section 1271, which requires a witness to testify, the Official Records exception in Evidence Code section 1280 permits the introduction of an "Official Record" ***without a witness***. According to the Law Revision Commission's comment to Evidence Code section 1280, this exception:

> "permits the court to admit an official record or report without necessarily requiring a witness to testify as to its identity and mode of preparation if the court takes judicial notice or if sufficient independent evidence shows that the record or report was prepared in such a manner as to assure its trustworthiness." See, *e.g., People v. Williams*, 64 Cal. 87, 27 Pac. 939 (1883) (census report admitted, the court judicially noticing the statutes prescribing the method of preparing the report); *Vallejo etc. R.R. v. Reed Orchard Co*., 169 Cal. 545, 571, 147 Pac. 238, 250 (1915) (statistical report of state agency admitted, the court judicially noticing the statutory duty to prepare the report). [7 Cal.L.Rev.Comm. Reports 1 (1965)]."

A. Exhibit 1 Was Made Within the Scope of Duty By a Public Employee

The term " '[p]ublic employee' means an officer, agent, or employee of a public entity." (Evid. Code, § 195.)

> The object of this hearsay exception "is to eliminate the calling of each witness involved in preparation of the record and substitute the record of the transaction instead. [Citations.]" [Citation.] Accordingly, for the exception to apply, "[i]t is not necessary that the person making the entry have personal knowledge of the transaction. [Citations.]" [Citation.]

(*Gananian v. Zolin* (1995) 33 Cal.App.4th 634, 639-640; see also *People v. Nelson* (2012) 209 Cal.App.4th 698, 708; *Hildebrand v. Dept. of Motor Vehicles* (2007) 152 Cal.App.4th 1562, 1571.)

The first foundational element within Evidence Code section 1280, subdivision (a), is often satisfied by identifying a statutory, regulatory, or other requirement that the writing be produced and applying the presumption, contained in Evidence Code section 664, "that official duty has been regularly performed." (*People v. Martinez* (2000) 22 Cal.4th 106, 125 (*Martinez*).) Here, the employees working for the San Diego County Sheriff's Department who inputted the Defendant's booking information upon his arrest were unquestionably "public employees" within the meaning of Evidence Code sections 195 and 1280. Further, based on the presumption found in Evidence Code section 664, it is presumed they performed that task regularly.

Pursuant to the presumption in section 664 the burden is now on the defense to rebut that presumption, which they have failed to do. The first element of the Official Records exception has been met.

B. Exhibit 1 Was Made at or Near the Time of the Act, Condition, Or Event

The second element of Evidence Code section 1280 requires the document to be "a record of an act, condition, or event" and, thus, does not apply to conclusions and opinions within a record. (*People v. Reyes* (1974) 12 Cal.3d 486, 503; *People v. Hall* (2019) 39 Cal.App.5th 831, 844; *People v. Campos* (1995) 32 Cal.App.4th 304, 309.) Exhibit 1 states no opinions or conclusion and is merely a record of booking based upon a particular arrest. Given the logic and rationale of *Hall* above, there is little debate that this element is satisfied as it relates to the Defendant's record of arrest and booking.

As to the timeliness requirement of subdivision (b): "How soon a writing must be made after the act or event is a matter of degree and calls for the exercise of reasonable judgment on the part of the trial judge." (*Martinez*, *supra*, 22 Cal.4th at p. 128, fn. 7, italics omitted.)

> [T]he timeliness requirement "is not to be judged … by arbitrary or artificial time limits, measured by hours or days or even weeks." [Citation.] Rather, "account must be taken of practical considerations," including "the nature of the information recorded" and "the immutable reliability of the sources from which [the information was] drawn." [Citation.] "Whether an entry made subsequent to the transaction has been made within a sufficient time to render it within the [hearsay] exception depends upon whether the time span between the transaction and the entry was so great as to suggest a danger of inaccuracy by lapse of memory." [Citation.]

(*Id*. at p. 128.)

The issue in *Martinez* was whether a computerized record of criminal history [California Law Enforcement Telecommunications System or "CLETS" printout] information was admissible under the official records exception to the hearsay rule, and specifically whether the sources of information and method and time of preparation of such a computer record were such as to indicate its trustworthiness. (*Martinez,* at pp. 111–112) The California Supreme Court stated that "our courts have refused to require, as a prerequisite to admission of computer records, testimony on the 'acceptability, accuracy, maintenance, and reliability of ... computer hardware and software.'" (*Id.* at p. 132 [Citation omitted])

Here, as the Court did in *Martinez,* the court can take judicial notice of the reporting requirements put in place on law enforcement as it relates to felony arrests. In *Martinez*, the Court noted:

> [T]he trial court could take judicial notice under Evidence Code section 451, subdivision (a), of the following statutes … [which] have imposed obligations on the [law enforcement] relating to criminal history information.

Martinez highlighted the reporting requirements that are contained in the Penal Code as part of its rationale for admitting the CLETS form. Those sections require and impose statutory duties on local sheriff's and other law enforcement to report arrest information and to do so accurately and contemporaneously. (*Id*. at 135-136; *See* Penal Code section 11105, Penal Code section 11107, and Gov't Code section 15151).

People v. Dunlap (1993) 18 Cal App. 4th was cited with approval by *Martinez* as it also reached a similar result of admitting a CLETS printout into evidence as an Official Record, with no testimony regarding the document. In discussing their rationale for the proper admission of the CLETS printout, *Dunlap* highlighted that the Court could take judicial notice of the following:

> The Legislature has enacted statutes dealing with the recording and reporting of a person's criminal history. Section 11105 requires the Department of Justice to maintain a master record of information "pertaining to the identification and criminal history of any person," including information commonly found in rap sheets, and to furnish the information to various public agencies or officers, including district attorneys, "when needed in the course of their duties." (§ 11105, subds. (a), (b).) Effective July 1, 1978, the Legislature added chapter 2 to title 3 of part 4 of the Penal Code (commencing with § 13100) providing a comprehensive scheme for the recording, reporting, storage, analysis, and dissemination of criminal offender record information within this state. (Stats.1973, ch. 992, §§ 1–2, pp. 1909–1915.) As part of that scheme, local criminal justice agencies are required to report to the Department of Justice information concerning arrests and dispositions in certain criminal cases (§§ 13150–13151.1), and detention agencies must report admissions or releases from detention facilities (§ 13152). Upon request of a criminal justice agency, the Department of Justice must provide the criminal history of a person identified by the agency. (§ 13176.)

People v. Morris (2008) 166 Cal. App. 4th 363 also confirmed that nothing about these records is testimonial in nature.

Given the presumptions and this Court's ability to take Judicial Notice pursuant to Evidence Code section 451(a), the second element of section 1280 is met.

C. Exhibit 1 is Trustworthy

As to the last element, the trustworthiness requirement of subdivision (c), the California Supreme Court similarly held in favor of admitting the record, stating:

> “[T]he trustworthiness of the method of preparation of the record is … supported by the presumption, contained in Evidence Code section 664, that ‘official duty has been regularly performed.’ ” (*Fisk* [*v. Dept. of Motor Vehicles* (1981)] 127 Cal.App.3d 972] at p. 77; see also *People v. Baeske* (1976) 58 Cal.App.3d 775, 780 [trustworthiness requirement “is established by a showing that the [record] is based upon the observations of public employees who have a *duty* to observe the facts and report and record them correctly”].) “This presumption shifts the burden of proving the foundational issue of trustworthiness of the method of preparing the official writing to the party objecting to the admission of the official writing. [Citation.]” (*Preis v. American Indemnity Co.* [(1990)] 220 Cal.App.3d [752] at p. 759.)

(*Martinez*, *supra*, 22 Cal.4th at p. 130, original italics.)

“Evidence Code section 1280 ‘permits the court to admit an official record or report without necessarily requiring a witness to testify as to its identity and mode of preparation if the court takes judicial notice or if sufficient independent evidence shows that the record or report was prepared in such a manner as to assure its trustworthiness.’ [Citations.]” (*People v. Martinez*, *supra*, 22 Cal.4th at p. 129; see also *Bhatt v. State Dept. of Health Services* (2005) 133 Cal.App.4th 923, 929.)

A trial court is vested with wide discretion in determining whether sufficient foundation is laid to qualify evidence under the hearsay exception for official records and on appeal, exercise of that discretion can be overturned only upon a clear showing of abuse. (*Martinez*, *supra*, 22 Cal.4th at p. 120.)

Finally, a copy of an official writing meeting the appropriate requirements is admissible in lieu of the original writing. (Evid. Code, §§ 1452-1453, 1530-1532; *People v. Skiles* (2011) 51 Cal.4th 1178 [describing authentication requirements]; see generally *In re Shannon C.* (1986) 179 Cal.App.3d 334, 342 [explaining that none of these sections allow a copy of a writing to be admitted for its truth in the absence of establishing the requirements of a hearsay exception].)

II.
EVIDENCE CODE SECTION 1530 ESTABLISHES A REBUTTABLE PRESUMPTION THAT EXHIBIT 1 IS A TRUE AND CORRECT COPY

The most common means of authenticating a copy of an official writing is by certification. Evidence Code Section 1530, subdivision (a), provides, in pertinent part, that:

> “A purported copy of a writing in the custody of a public entity, or of an entry in such a writing, is prima facie evidence of the existence and content of such writing or entry if:
>
> …
>
> (2) [t]he office in which the writing is kept is within the United States … and the copy is *attested or certified as a correct copy* of the writing or entry by a public employee, or a deputy of a public employee, having the legal custody of the writing … .”

(Italics added.)

"[T]he attestation or certificate must state in substance that the copy is a correct copy of the original … ." (§ 1531.) Section 1530 requires only certification by signature. (*Ambriz v. Kelegian* (2007) 146 Cal.App.4th 1519, 1530, fn. 5.)

Here, there can be little dispute the Defendant's booking record is a writing is kept "within the United States" or, that a paralegal at the San Diego County District Attorney's Office qualifies as a "public employee" within the meaning of section 1530. *Martinez, supra,* confirmed that a paralegal can attest to the correctness of such a document as one of the documents admitted was a Los Angeles County Sheriff's Department computer printout known as the "Personal History Index." Moreover, our paralegal certified Exhibit 1 is "true and correct" which fully complies with the requirement mandated in section 1531 that the copy is "a correct copy of the original."

As the California Supreme Court held in *People v. Skiles* (2011) 51 Cal.4th 1178, 1187, certification of an official writing, under sections 1530 and 1531, establishes its reliability in the absence of evidence overcoming the presumption that it is a true and correct copy. Thus, the statutory certification process is a "means provided by law" establishing that the official writing is the writing that the proponent of the evidence claims it is. (§ 1400, subd. (b).)

Here, defense has presented no evidence to overcome this presumption and the Court should admit Exhibit 1.

Paralegals,

To the extent you do not have a physical certification stamp, that is not an issue. Here are two easy workarounds.

1) You can hand-write the wording onto the document, then sign and date. This complies with the Evidence Code.
2) Paralegals can "Right Click" on Certification Image below and use the Copy [and later paste] to paste this certification stamp onto the Booking Sheet. Steps for this option are below:
    a. First, save booking sheet to your desktop into a PDF from SDLAW using "PDF" button.

    b. Open up the PDF document.
    c. Next, left click certification image below and then right click and choose "Copy"

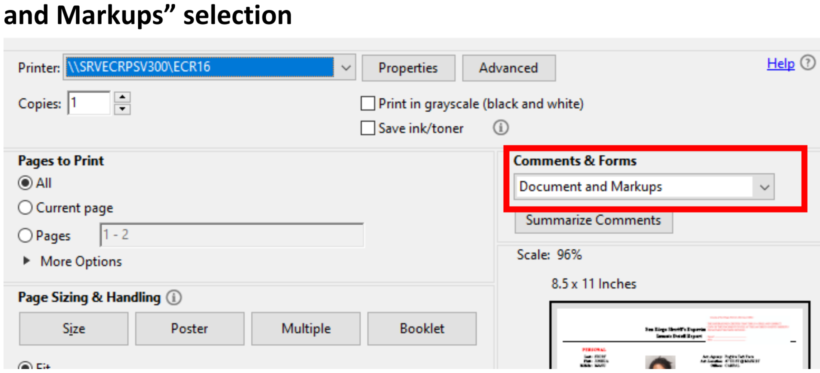
County of San Diego District Attorney's Office

I hereby certify that the document to which this is affixed is a true and correct copy of a booking document obtained from the San Diego County Sheriff's Department through San Diego Law and Justice System.

Signed____________________

Date_____________________

    d. Go back to your PDF of Booking Sheet. Left Click anywhere on the Booking Sheet PDF
    e. Hit "CTL+V" to paste the certification image onto the PDF.
    f. Re-size and move the stamp into whatever area is blank on your PDF
        i. [Reducing the size of the stamp will eliminate any distortion]
    g. Go To "File" and hit "Print"
    h. In the Print window, go to "Comments & Forms" drop down, **select the "Documents and Markups" selection**



    i. Then hit "Print"
    j. Sign and date and you're good to go

Frequently Asked Questions

I can’t sign in to Microsoft Teams using my computer login credentials through my mobile phone, what am I doing wrong?

If you did not receive a DUO authentication notification, you will have to re-enroll your device.

Why can’t I create a Team?

The creation of Teams has not been enabled at this time.

Can I install Microsoft Teams on my mobile phone using the App Store?

Yes, you can. Make sure to download the correct app and log in using the proper credentials.

Username: LAN_ID@sdcda.org

Password: computer password

Why is my camera not working?

Make sure that the camera is uncovered or, in some monitors, push down to raise the camera from monitor.

How to Create a Teams Meeting for DA Groups and Custom Contacts (Remotely)

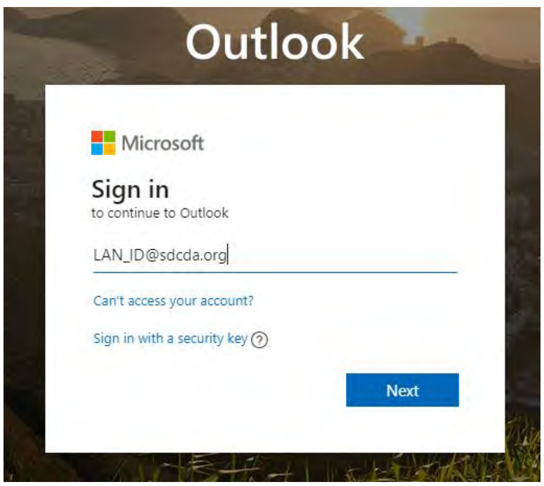
What is a DA group?

- DA groups are DA mail groups that have been **created by ITD** to send emails to specific departments/units

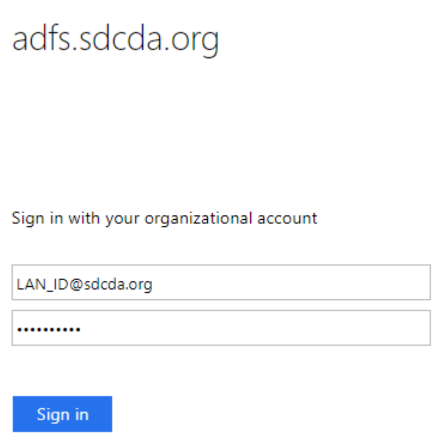
What is a custom contact?

- Custom contact are contacts and/or contact groups that were **created on the individual's email account**

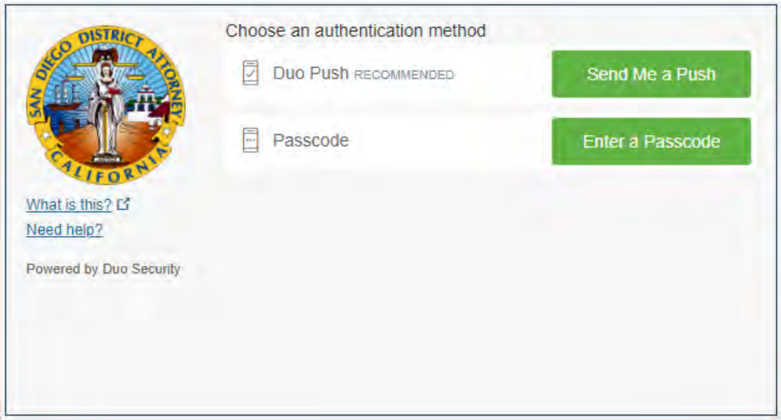
1. Open an internet browser and login to https://outlook.office365.com
   a. Login: LAN_ID@sdcda.org
   b. Password: password for work computer



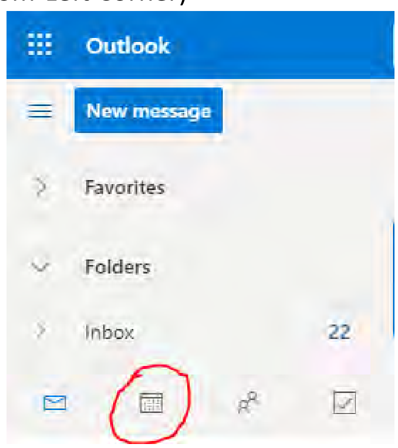
2. Login to ADFS.sdcda.org
   a. Login: LAN_ID@sdcda.org
   b. Password: password for work computer



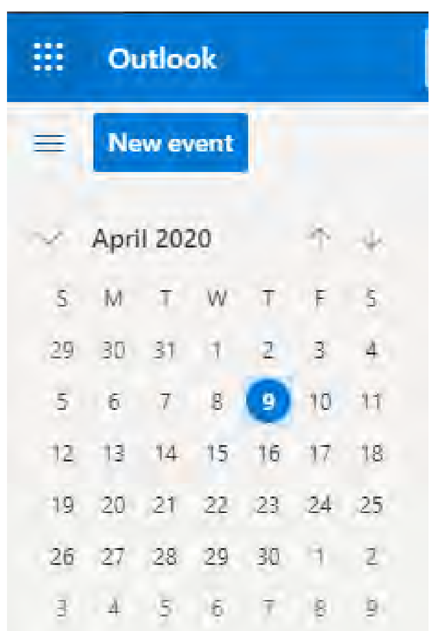
3. Authenticate with DUO



4. Select the Calendar Tab (Bottom-Left Corner)



5. Select New Event (Top-Left Corner)



6. Select Teams Meetings and Invite Attendees
    a. Toggle Teams meeting

        i.
    b. Invite Attendees
        i. When typing group names and/or custom contacts, it will auto-fill known groups/contacts
    c. Select Save to Send invites