Brady-Giglio Information Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes procedures for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Fargo Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Fargo Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Fargo Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Under the "Brady-Giglio" Rule, prosecutors are required to disclose any information to a defense attorney in a criminal case which may adversely affect the credibility of a witness for the prosecution, including a law enforcement officer, even if it is not requested by the defense or is inadmissible at trial.

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informants whose identity is protected or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

604.4 BRADY COORDINATOR

The Chief of Police shall delegate certain responsibilities to a *Brady* Coordinator, which has been identified as the Office of Professional Standards (OPS).

The responsibilities of the *Brady* Coordinator include, but are not limited to:

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(a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or OPS file of any member of this department, the *Brady* Coordinator will coordinate with the Chief of Police to disclose the *Brady* information to the appropriate prosecutors' offices.

604.5 DISCLOSURE OF PERSONNEL INFORMATION

On a yearly basis, the Chief of Police will provide a letter to the appropriate prosecutors' offices indicating the presence of *Brady* information on any department employee. If during the course of the year, any subsequent *Brady* information develops on an employee, the *Brady* coordinator will ensure an updated letter is provided to the appropriate prosecutors' offices.

This does not restrict any of the relevant prosecutors' offices from contacting the *Brady* coordinator directly for any inquires relative to department *Brady* information.

604.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

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