

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 3.05</b>
		Issue Date: October 19, 2020
		Revision Date:
<b>CHAPTER:</b> Organization, Management and Administration		Related Policy:
<b>SUBJECT: Brady Rule – Disclosure of Potential Exculpatory or Impeachment Evidence to Prosecution</b>		Related Laws: 373.U.S. 83

**POLICY:** The Brady Rule is a result of a U.S. Supreme Court Ruling in the case of Brady v. Maryland in 1963. It held that the prosecution must disclose all exculpatory evidence to the defense counsel in criminal proceedings. Under Brady, evidence affecting the credibility of the police officer as a witness may be exculpatory evidence and should be given to the defense during discovery; especially evidence that the officer has had a sustained finding of untruthfulness.

**RULE:** The Sheriff's Office is required by law to inform the prosecution of any evidence known to them that could meet the rule. If not disclosed, there is a risk that a criminal conviction will be dismissed or reversed and the risk of civil liability.

**PROCEDURE:**

I. Internal Investigation

A sustained violation of untruthfulness against a Lane County Sheriff's Office employee will be disclosed to the Lane County District Attorney's Office once the investigation has been completed. The District Attorney will maintain a Brady list.

- A. Completed means the original investigation, the pre-disciplinary hearing, and final discipline is imposed.
- B. Any finding of misconduct that reflects upon the truthfulness or possible bias of the employee, including a lack of candor during an administrative inquiry.
- C. Not sustained or exonerated allegations are not subject to Brady Rule and will not be reported to the District Attorney's Office.

II. Criminal Proceedings

- A. If an employee is charged with a crime, the Lane County District Attorney's Office will be notified.

III. Dishonesty/Bias

- A. Any credible allegation of misconduct that reflects upon the truthfulness or possible bias of the employee that is the subject of a pending investigation.
- B. Any allegation made by a state or federal prosecutor, judge or magistrate that reflects upon the truthfulness or bias of the employee.

IV. Responsibility

Every employee has a responsibility to identify any potential Brady material or action and notify their chain of command.

V. Reporting

The Chief Deputy is responsible to notify the District Attorney's Office of a sustained allegation of untruthfulness or criminal conviction of any employee of the Sheriff's Office. The Sheriff's Office will also follow the protocols set forth by the Lane County District Attorney's Office regarding Brady evidence and law enforcement witnesses who are employees/officers.