

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

BRADY MATERIAL DISCLOSURE

Approved By: Geoffrey Jones Chief of Police

CALEA 6th Edition Standard:

612 BRADY MATERIAL DISCLOSURE

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (also known as “Brady information”) to a prosecuting attorney.

612.2 DEFINITIONS

Definitions related to this policy include:

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

612.3 POLICY

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

612.4 DISCLOSURE OF INVESTIGATIVE INFORMATION

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 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. This shall be done regardless of the disposition of the criminal case.

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

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

612.5 TRAINING

Department personnel should receive periodic training on the requirements of this policy.