

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

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

612.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the Kitsap County Sheriff's Office that is favorable to the defense of a criminal defendant, either because it is exculpatory or because it is impeaching.

612.2 POLICY

The Kitsap County Sheriff's Office will conduct fair and impartial criminal and internal 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 Kitsap County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is favorable to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Members 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 a member learns of potentially incriminating or exculpatory information any time after submission of a case, the member 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 relevant to the investigation is believed to be privileged or confidential (e.g., confidential information or personnel files); the member should discuss the matter with a supervisor to determine the appropriate manner in which to proceed.

Supervisors who are uncertain about whether evidence or facts are Brady Information should address the issue with their Lieutenant or Division Chief. If the Lieutenant or Division Chief believe the information is Brady Information or if they have questions they should contact the appropriate legal advisor at the Prosecutors Office.

612.4 TRAINING

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