

Lincoln County Sheriff's Office
Standard Operating Policies Manual

Rules and Regulations

Subject:	Disclosure of Information: Brady – Giglio & MCJA Standards	Policy #	A-3
Effective Date:	12-30-2025	Review Cycle:	Annual
Distribution:	All Sworn Personnel	# of pages:	4
MLEAP:	N/A		MCJA Mandatory
<i>Rescinds All Previous Policies - Related To This Current Policy</i>			
Issuing Authority:	Sheriff Todd Bracket		

I. POLICY:

It is the policy of the Lincoln County Sheriff's Office to maintain the highest standards of honesty and integrity and to require all employees to meet or exceed the standards of conduct for deputies set forth in LCSO policy, MCJA Standards and Maine law. Deputies shall conduct themselves truthfully in all aspects of their official duties, and any form of misrepresentation or untruthfulness is strictly prohibited.

The Sheriff shall disclose to relevant prosecutors any evidence or information that may adversely affect the credibility of deputies who may serve as material witnesses in criminal prosecutions. The Sheriff shall also report to the MCJA Board of Trustees any conduct engaged in by his or herself or any deputy, criminal or otherwise required by MCJA Standard or by Maine law. This commitment ensures transparency, preserves the integrity of investigations, and maintains public trust in the criminal justice system.

II. PURPOSE:

The purpose of this policy is to ensure that the Lincoln County Sheriff's Office appropriately aids in fulfilling the MCJA Standards, legal and constitutional governmental duty to affirmatively disclose specific information that may be viewed as adverse to the prosecutorial credibility or MCJA certification of its deputies.

III. DEFINITIONS:

Giglio Information: Refers to evidence that, if true, would tend to adversely affect the credibility of a deputy who may be a material witness in a prosecution. Specifically, this includes any sustained finding that establishes a record of untruthfulness, bias, and/or commission of crimes. It does not include mere allegations, rumors, or other inconclusive information.

IV. Discussion:

In *Brady v. Maryland*¹ and *Giglio v. United States*,² the United States Supreme Court created the mandatory disclosure requirements stated in the purpose section of this policy. The duty is an affirmative one, i.e., if law enforcement officials know of evidence or information that may be favorable to the defense in a prosecution, including information that may be viewed as adverse to the credibility of an deputy who may be a material

¹ 373 US 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 - Supreme Court, 1963

² 405 US 150, 92 S. Ct. 763, 31 L. Ed. 2d 104 - Supreme Court, 1972

Lincoln County Sheriff's Office
Standard Operating Policies Manual

Rules and Regulations

witness, those officials must disclose the information to the prosecutor, regardless of whether the defense has requested the information.

V. PROCEDURES – Deputy Credibility

- A. Deputies shall act with honesty and integrity in the performance of their official duties. Any form of misrepresentation or untruthfulness is strictly prohibited. This includes, but is not limited to, falsifying written or verbal communications in official reports, records, or during interactions with individuals or organizations, particularly when it is reasonable to expect that the information may be relied upon due to the deputy's official position.
- B. Deputies may, when appropriate and lawful, use deception or employ misleading or untruthful information during interviews, interrogations, or special investigations, for eliciting information during an official investigation.
- C. Deputies are prohibited from disclosing any information that is confidential by law, agency policy, or Maine Criminal Justice Academy rules, unless properly authorized. This includes any information the deputy knew or reasonably should have known was confidential.

VI. PROCEDURES – Compliance with Constitutional Obligations

- A. The Lincoln County Sheriff's Office must assist a prosecuting agency in complying with the prosecuting agency's constitutional obligation under *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972)
- B. The following are the Lincoln County Sheriff's Office's procedures for complying with the prosecuting attorney's constitutional obligation.
 - i. Any Sheriff's Office employee who may as part of their employment be compelled to testify in any criminal proceeding shall notify the Sheriff within 24 hours if any of the following circumstances arise:
 - 1. If you are convicted of a crime.
 - 2. If you are charged with a crime. Particularly if it reflects adversely on your: reliability, truthfulness or bias; ability to accurately observe, recall, report, or testify to information and events; handling of evidence; or compliance with agency policies or directives from superiors.
 - 3. If you are subject to any pending investigation of alleged misconduct. Particularly if it reflects adversely on your: reliability, truthfulness or bias; ability to accurately observe, recall, report, or testify to information and events; handling of evidence; or compliance with agency policies or directives from superiors.
 - 4. If there has been an allegation against you by a prosecutor, magistrate, hearing examiner, or judge, or a Court finding in the form of a written or oral decision, opinion, or order, that reflected adversely on the agency employee's: reliability, truthfulness or bias; ability to accurately observe, recall, report, or testify to information and events; handling of evidence; or compliance with agency policies or directives from superiors.
 - 5. If you have a conflict that reflects or impairs your ability or biases you to perceive or recall the truth in a matter.
 - ii. Individual deputies have a continuing obligation to report to the Sheriff or designee any relevant circumstances that would change the status under this policy.

Lincoln County Sheriff's Office
Standard Operating Policies Manual

Rules and Regulations

- iii. The Sheriff must report to the Lincoln County Office of the District Attorney and the Office of the Attorney General any new potential Giglio information at the time it becomes known. Before this notification, the respective deputy will be provided an opportunity to address the information further.
 - iv. The Office of the United States Attorney General may make a *Giglio* inquiry that is associated with a specific investigation or prosecution. If so, the Sheriff will share the same information as required by Brady/Giglio and will first notify the employee involved and provide an opportunity to address the information further.
- C. When information under this policy is shared with a relevant prosecutor, it becomes the duty of the prosecutor to determine whether the information is subject to further disclosure. The Sheriff encourages the prosecutor to keep the information confidential and to use the "in camera" option of judicial review before the information is released in any way,
- D. The Sheriff may confer with the appropriate prosecutorial agency and, if necessary, the agency's legal counsel or others, to determine whether any potential *Giglio* information regarding a deputy is so serious as to render the deputy unable to offer credible testimony in a court of law.
- E. In addition to the reporting requirements set forth in this section the Sheriff shall respond annually to any Brady/Giglio inquiry from the Attorney General's or District Attorney's Offices. That annual report will include any final written decisions which impose or uphold discipline regarding any disciplinary matter for any Sheriff's Office employee who assists with the investigation or prosecution of criminal cases.

VII. PROCEDURES – Compliance with MCJA Standards and Mandatory Disclosures/Reporting

- A. If the Sheriff has knowledge of any conviction or any conduct committed by a Maine Criminal Justice Academy certified employee or any applicant seeking certification that may result in denial of, suspension or revocation of certification she/he shall notify the Maine Criminal Justice Academy within 30 days as required by Title 25 M.R.S. §2807.
- i. The MCJA Board of Trustees has established Standards of Conduct (DPS 16, MCJABOT, 227 Chapter 15) for certificate holders and applicants as set forth in Title 25 M.R.S. §2806-A(5)(M). The Sheriff recognizes those standards as a minimum threshold for reporting any alleged conduct under this section.
- B. If the Sheriff receives notice from the MCJA Board of Trustees, complaint review committee, or board staff that board is investigating a certificate holder the Sheriff shall investigate any alleged misconduct and report the findings and provide copies of investigative reports to the Board of Trustees within 30 days pursuant to Title 25 M.R.S. §2805-C.
- C. The Sheriff shall comply with the MCJA annual employment and training records reporting requirements pursuant to Title 25 M.R.S. §2805-B no later than January 30th each year. The report included new hires and terminations for the previous year as well as the total number of any excessive use of force incidents both founded and unfounded. That annual report also includes any other information, such as affirmation of the adoption of mandated policies the MCJA Board of Trustees may require.

Lincoln County Sheriff's Office
Standard Operating Policies Manual

Rules and Regulations

(Appendix 1)
Lincoln County Sheriff's Office
Giglio Inquiry

NAME OF PERSON COMPLETING FORM: _____

Based on a search of all your **AGENCY FILES** for impeaching evidence, please circle YES or NO:

1. Have there been allegations, investigated by your agency, which were sustained and resulted in discipline, against any agency employee that reflected adversely upon the employee's: reliability, truthfulness or bias; ability to accurately observe, recall, report, or testify to information and events; handling of evidence; or compliance with agency policies or directives from superiors? YES / NO
2. Has any agency employee ever been convicted of a crime? YES / NO
3. Has any agency employee ever been charged with a crime that reflects adversely upon the agency employee's: reliability, truthfulness or bias; ability to accurately observe, recall, report, or testify to information and events; handling of evidence; or compliance with agency policies or directives from superiors? YES / NO
4. Is there any pending investigation of alleged misconduct by any agency employee that reflects adversely upon the agency employee's: reliability, truthfulness or bias; ability to accurately observe, recall, report, or testify to information and events; handling of evidence; or compliance with agency policies or directives from superiors? YES / NO
5. Has there ever been an allegation against any agency employee by a prosecutor, magistrate, hearing examiner, or judge, or a Court finding in the form of a written or oral decision, opinion, or order, that reflected adversely on the agency employee's: reliability, truthfulness or bias; ability to accurately observe, recall, report, or testify to information and events; handling of evidence; or compliance with agency policies or directives from superiors? YES / NO
6. Is there any information that reflects an impaired ability or bias of any agency employee to perceive or recall the truth of a matter? YES / NO
7. Is there any agency employee who resigned from your agency, or was hired by your agency, after having been accused of misconduct that adversely reflected upon the agency employee's: reliability, truthfulness or bias; ability to accurately observe, recall, report, or testify to information and events; handling of evidence; or compliance with agency policies or directives from superiors? YES / NO
8. Is there any other information contained in your agency files, that potentially raises concerns about any agency employee's: reliability, truthfulness or bias; ability to accurately observe, recall, report, or testify to information and events; handling of evidence; compliance with agency policies or directives from superiors; or pattern of conduct? YES / NO

If you answered **YES** to any of these questions, please identify the individual(s) and elaborate on a separate sheet, with attachments as necessary, and attach any related final written decisions.

Please return this form and any attachments to jen.coursey@maine.gov and your District

Attorney.

Signature of Person Completing Form: _____ Date: _____

Name: _____ Title: _____