

BRADY PROTOCOL

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# Brady Compliance Unit Operations Manual



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## BRADY COMPLIANCE UNIT OPERATIONS MANUAL

The mission of the Brady Compliance Unit is to assist Los Angeles County deputy district attorneys in complying with their constitutional obligations under *Brady v. Maryland* (1963) 373 U.S. 83 and its progeny. In order to carry out that mission, the Unit performs two separate, distinct functions. First, as the central repository of known *Brady* information from 1997 to present, it determines whether potential *Brady* information relating to a peace officer or governmentally-employed expert witness will be included in the Brady Alert System, a secure computerized database accessible only by Los Angeles County deputy district attorneys who are prosecuting a specific case in which the officer or expert is a witness. Second, as a repository of accumulated knowledge and experience, it is available to consult with deputy district attorneys in the discharge of their personal, individual *Brady* duties. In performing both of these functions, the Unit is mindful of the statutory and privacy rights of the peace officers involved.

This Operations Manual sets forth the policies to be followed by the Brady Compliance Unit deputy district attorneys ("Brady DDAs") in their evaluation of potential *Brady* material for inclusion in the Brady Alert System, as well as the procedures to be followed once it has been determined that *Brady* material, which should be included in the Brady Alert System, exists. The policies and procedures described in this Manual are subject to any future changes in the law.

### I. HOW TO CONDUCT AN ANALYSIS OF POTENTIAL *BRADY* MATERIAL

- A. A Brady DDA should ensure that the potential *Brady* material has been investigated. No officer will be placed in the Brady Alert System until the potential *Brady* material has been investigated. Therefore, before a Brady review of potential *Brady* material can commence, an investigation by the Justice System Integrity Division ("JSID"), the employee's department, or another law enforcement agency must be completed.
1. If the potential *Brady* material has not been investigated, it shall be referred to the employee's department for investigation by means of a letter addressed to the head of the employing agency. (See Appendix, Form 1, Model Letter to Employing Agency Requesting Investigation.)
  2. If a case is pending trial and there is sufficient information justifying the reasonable belief that the potential *Brady* material is reliable and credible, the Brady Compliance Unit shall advise the trial deputy district attorney ("trial DDA") to seek an in camera review of that material. If a court orders disclosure of any material to the defense, the trial DDA shall request that the court issue a

protective order restricting the use and dissemination of that material only to the particular case being litigated.

- a. The Brady DDA shall request that the trial DDA send a memorandum through his or her head deputy or deputy-in-charge to the Brady Compliance Unit describing the nature of the potential *Brady* information, setting forth the court's ruling and accompanying rationale, and attaching all pertinent documentation.
  - b. Upon receipt of the trial DDA's memorandum, the Brady Compliance Unit shall refer the matter to the employee's department for investigation by means of a letter addressed to the head of the employing agency. (See Appendix, Form 1, Model Letter to Employing Agency Requesting Investigation.)
- B. After the potential *Brady* material has been investigated, the Brady DDA shall thoroughly review all available documentation regarding the potential *Brady* incident. Such documentary evidence includes, but is not limited to, the following: Criminal complaints and informations, grand jury indictments, court transcripts, probation reports, court conviction and sentencing documents, police reports, letters and reports from the employee's department, Los Angeles Police Department ("LAPD") Board or Rights Hearing transcripts and documents, District Attorney and JSID case files, petitions for writ of habeas corpus, memoranda and documentation from head deputies, deputies-in-charge, deputy district attorneys, defense attorneys, and criminal complaint declinations, as well as all information supplied by the employee or his or her legal representative.
- C. The Brady DDA shall utilize a "clear and convincing" standard in evaluating the documentation regarding the potential *Brady* material.
1. At the outset of a *Brady* review of potential impeachment evidence, the Brady DDA should not prejudge whether *Brady* material exists.
  2. *Brady* material exists only if a determination is made by the Brady Compliance Unit that the allegations of misconduct are established by clear and convincing evidence, a standard higher than preponderance of the evidence but lower than beyond a reasonable doubt.

"Clear and convincing evidence" means evidence which is "so clear as to leave no substantial doubt" and which is "sufficiently

strong to command the unhesitating assent of every reasonable mind." (*In re Nordin* (1983) 143 Cal.App.3d 538, 543.) It requires a finding of a high probability of the truth of the facts. (*Ibid.*; CACI No. 201 (2010).)

3. If the allegations of misconduct are not supported by clear and convincing evidence that is reliable and credible, the information will not be included in the Brady Alert System.

## II. HOW TO PREPARE THE DOCUMENTS RELATED TO AN ANALYSIS OF POTENTIAL BRADY MATERIAL

### A. Memorandum to the Appellate Division Head Deputy

1. After the Brady DDA has completed the evaluation of the documentation regarding the potential *Brady* incident, he or she shall prepare a memorandum addressed to the Head Deputy of the Appellate Division.
  - a. The memorandum must include the following:
    - 1) A description of the documents reviewed;
    - 2) A statement recommending one of the following:
      - a) The information reviewed, in part or in whole, constitutes *Brady* material which should be included in the Brady Alert System; or
      - b) The information reviewed does not constitute *Brady* material and should not be included in the Brady Alert System.
    - 3) A recitation of the facts which are set forth in the documents and which provide the factual basis for the potential *Brady* material; and
    - 4) An analysis of the facts applying the applicable law.
  - b. The memorandum must be clearly labeled "ATTORNEY WORK PRODUCT."
2. The memorandum must be approved by the Head Deputy before any peace officer's or governmentally-employed expert witness's name can be placed in the Brady Alert System.

3. The memorandum shall not be disclosed to anyone outside the Brady Compliance Unit. It is internal work product which is a reflection of the impressions, conclusions, opinions, legal research, and theories which formed the basis of the Brady Compliance Unit's determination of whether *Brady* material exists.
- B. Proposed Summary for the Brady Alert System (See Appendix, Form 2, Sample Summary for Brady Alert System.)
1. If the Brady DDA has made the recommendation to the Head Deputy to include an officer's or governmentally-employed expert witness's name in the Brady Alert System, the Brady DDA shall prepare a proposed summary of the *Brady* material for inclusion in the Brady Alert System.
  2. The proposed summary must be attached to the memorandum addressed to the Head Deputy as a separate page and must be approved by the Head Deputy before any peace officer's or governmentally-employed expert witness's name and accompanying *Brady* information can be placed in the Brady Alert System.
- C. Notification Letter to the Peace Officer or Governmentally-Employed Expert Witness ("Employee")
1. If the Brady DDA has made the recommendation to the Head Deputy to include an employee's name and accompanying information in the Brady Alert System, the Brady DDA shall prepare a notification letter addressed to the employee for the Head Deputy's signature.  
  
N.B. If the Brady DDA has made the recommendation not to include an employee's name in the Brady Alert System, no notification letter is sent unless the employee or his or her employer has requested one. (See Appendix, Form 3, Model Letter to Employee--No Brady.)
  2. The notification letter shall inform the employee of the Brady Compliance Unit's determination to place the employee's name and accompanying information in the Brady Alert System, the factual and legal bases for the determination, the attendant discovery consequences, the right to access and review the material which formed the basis for the Brady Compliance Unit's determination, and, if applicable, the employee's right to appeal the Brady Compliance Unit's determination.

- a. All Employees Entitled to Right to Access and Review Material. All employees and their attorneys are entitled to the right to access and review the material which formed the basis for the Brady Compliance's Unit's determination to place the employee's name and accompanying *Brady* information in the Brady Alert System. The notification letter to the employee must specifically set forth the following information:
- 1) The employee's and his or her attorney's right, within 30 calendar days from the date of the notification letter, to review the material that formed the basis for the Brady Compliance Unit's decision to place the employee's name and accompanying information in the Brady Alert System.
  - 2) The appointment scheduling procedure and pertinent contact information, as follows:
    - a) If the employee wishes to attend the review session with his or her attorney, the attorney must schedule the appointment by contacting the District Attorney's Law Enforcement Liaison.
    - b) If the employee does not wish to attend the review session, the attorney may schedule the appointment by contacting the Brady Compliance Unit.
- b. Employees Not Entitled to Right to Appeal. If the Appellate Head Deputy approves the Brady DDA's recommendation to include an employee's name and accompanying information in the Brady Alert System for conduct which is per se *Brady* evidence under the law (e.g., pending criminal charges against the employee, parole or probation status of the employee), the employee shall not be entitled to the right to appeal the Brady Compliance Unit's determination. The notification letter to the employee must specifically state that he or she is not entitled to the right to appeal and must set forth the reason why. (See Appendix, Form 4, Model Letter to Employee--No Appeal.)

- c. Employees Entitled to Right to Appeal. If the Appellate Division Head Deputy approves the Brady DDA's recommendation to include an employee's name and accompanying information in the Brady Alert System for conduct, which in the Brady DDA's discretion constitutes *Brady* evidence, the employee shall be entitled to the right to appeal the Brady Compliance Unit's determination. The notification letter to the employee must specifically set forth the following information (see Appendix, Form 5, Model Letter to Employee--Appeal):
- 1) The employee's right to appeal the determination to place his or her name and accompanying information in the Brady Alert System by submitting an objection letter to the District Attorney's designee, an individual who is not affiliated with the Brady Compliance Unit.
    - a) The notification letter shall set forth the name and address of the designee.
    - b) The notification letter shall specifically state that the decision of the designee is final and that no further recourse is available.
  - 2) The requirement that the objection letter must be postmarked within 30 calendar days of the date of the notification letter.
  - 3) The requirement that the objection letter must include the bases for the objections and may include any additional information that the employee believes is relevant.
  - 4) The following timetables:
    - a) Within 60 calendar days of the date of the notification letter, the District Attorney's designee shall review the objection letter and accompanying documentation, if any, make the conclusive determination of whether the employee's name and accompanying information is to be placed in the Brady Alert System, and inform the employee, the employee's attorney, and the

Brady Compliance Unit in writing of the decision.

N.B. Immediately upon receipt of an employee's objection letter, the District Attorney's designee shall notify the Brady Compliance Unit that an appeal has been taken.

- b) Immediately following an unsuccessful appeal, the employee's name and accompanying information shall be placed in the Brady Alert System.
  - c) Absent an appeal, after the expiration of 30 calendar days from the date of the notification letter, the employee's name and accompanying information shall be placed in the Brady Alert System.
- 5) Notification that, if the employee's name and accompanying information is placed in the Brady Alert System, the head of the employee's agency will be notified by a letter which shall include the statement that the District Attorney's *Brady* finding, in and of itself, should not be used as the basis of a personnel action against the employee.
3. The notification letter shall be placed in a sealed envelope addressed to the employee, in the care of the subpoena control liaison officer for the employing agency, and sent via United States Postal Service certified mail. It should be delivered pursuant to that agency's subpoena process.
- D. Notification Letter to the Head of the Employing Agency (See Appendix, Form 6, Model Letter to Head of Employing Agency.)
1. Upon placement of an employee's name and accompanying information in the Brady Alert System, the Brady DDA shall prepare a notification letter addressed to the head of the employee's agency (e.g., the Chief of Police, the Sheriff) for the Appellate Division Head Deputy's signature.
  2. The notification letter shall inform the head of the employee's agency of the placement of the employee's name and accompanying information in the Brady Alert System, the factual

and legal bases for the determination, and the attendant discovery consequences.

3. The notification letter to the head of the employee's agency shall include the statement that the District Attorney's *Brady* finding, in and of itself, should not be used as the basis of a personnel action against the employee.

E. Notification Memorandum to Head Deputy or Deputy-in-Charge (See Appendix, Form 7, Model Memorandum to Head Deputy or Deputy-in-Charge.)

1. If the Brady DDA has made the recommendation to the Appellate Division Head Deputy to include an employee's name and accompanying information in the Brady Alert System, the Brady DDA shall have an inquiry-based PIMS Ad Hoc run generated which lists all the cases in which the employee is or was named as a potential witness. The Brady DDA shall analyze the PIMS Ad Hoc run, utilizing the Trial Court Information System and PIMS Adult Case Management, to determine the following:
  - a. All pending cases;
  - b. All cases, since the initial date of the employee's misconduct, which went to trial;
  - c. All cases, since the initial date of the employee's misconduct, which went to trial and in which the employee testified as a prosecution witness; and
  - d. For each case, the branch office, area office, or special division, unit or program responsible for litigating the case.
2. After the PIMS Ad Hoc run analysis has been completed, the Brady DDA shall prepare a memorandum addressed to the head deputy of the branch office or special division or the deputy-in-charge of the area office, special unit, section or program responsible for the litigation of a flagged case for the Appellate Division Head Deputy's approval and initials.
  - a. If the memorandum is addressed to a head deputy of a branch office or a special division, the following individuals shall receive a copy of the memorandum:

- 1) The director of the respective bureau; and
  - 2) The director of the Bureau of Prosecution Support Operations.
- b. If the memorandum is addressed to a deputy-in-charge of an area office or a special unit, section or program, the following individuals shall receive a copy of the memorandum:
- 1) The head deputy of the respective branch office or special division;
  - 2) The director of the respective bureau; and
  - 3) The director of the Bureau of Prosecution Support Operations.
3. The memorandum shall set forth the following information:
- a. The *Brady* information regarding the employee.
  - b. A statement of the prosecutor's duty to disclose the *Brady* information in appropriate cases.
  - c. A list of all the flagged cases for which the head deputy or deputy-in-charge is responsible.
  - d. The requirement that the head deputy or deputy-in-charge personally review each District Attorney case file on the list to determine if the employee is or was a material witness on the issue of guilt or punishment.
  - e. The instruction that, if the head deputy or deputy-in-charge determines that the employee will be or was a material witness at trial on the issue of guilt or punishment in a case, he or she must notify the defense attorney in writing by means of a letter.
    - 1) A model letter shall be attached to the memorandum. (See Appendix, Form 8, Model Letter to Defense Attorney.)
- N. B. No letter is required in cases where the defendant pleaded guilty or no contest.

2) The instruction that the letter and its accompanying envelope should be clearly designated "Personal and Confidential."

f. The instructions that:

1) Once the letter to the defense attorney has been generated and mailed, the head deputy or deputy-in-charge must compile a Correspondence Control Log which lists the following:

- a) Case number;
- b) Defendant's name;
- c) Peace officer's or governmentally-employed expert's name;
- d) Peace officer's or governmentally-employed expert's badge, serial or employee number;
- e) Peace officer's or governmentally-employed expert's employing agency;
- f) Defense attorney's name;
- g) Defense attorney's office name; and
- h) Date the letter was mailed to the defense attorney.

N.B. A model form of the Correspondence Control Log is to be attached to the memorandum. (See Appendix, Form 9, Model Form of Correspondence Control Log.)

2) Once the Correspondence Control Log has been completed, a copy of it shall be transmitted to the Brady Compliance Unit.

4. The memorandum shall be sent to the head deputy or deputy-in-charge electronically.

- F. Notification Letter to the Los Angeles County Public Defender's Public Integrity Assurance Section (See Appendix, Form 10, Model Letter to Public Defender's PIAS Deputy-in-Charge.)
1. After the notification memoranda have been transmitted to all affected head deputies and deputies-in-charge, the Brady DDA shall prepare a letter addressed to the deputy-in-charge of the Public Integrity Assurance Section of the Los Angeles County Public Defender's Office for the Appellate Division Head Deputy's signature.
  2. The letter shall notify the Public Defender of the following information:
    - a. The peace officer's or governmentally-employed expert's name, employing agency, and badge, serial or employee number;
    - b. A brief description of the officer's or expert's alleged misconduct;
    - c. The officer's or expert's initial date of misconduct; and
    - d. A list of the following cases:
      - 1) All pending cases;
      - 2) All cases, since the initial date of the officer's or expert's misconduct, which went to trial and in which the employee testified as a prosecution witness; and
      - 3) All cases, since the initial date of the officer's or expert's misconduct, which went to trial, i.e., all cases, since the initial date of the officer's or expert's misconduct, which went to trial and in which the officer or expert was a potential witness but did not testify.

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- Form 10. Model Letter to Public Integrity Assurance Section (PIAS) Deputy Public Defender

Forms Appendix

**FORM 1. MODEL LETTER TO EMPLOYING AGENCY REQUESTING  
INVESTIGATION**

[Date]

[Full Name and Title of Head of Employing Agency]

[Name of Employing Agency]

[Address of Employing Agency]

[Line 2 of Address of Employing Agency]

Dear [Title and Last Name of Head of Employing Agency]:

[RANK AND FULL NAME OF OFFICER],  
[BADGE/SERIAL/EMPLOYEE NUMBER OF OFFICER]

Our office's Brady Compliance Unit has been notified by [identify source of information] that *Brady* material may exist regarding the above-referenced officer. Under scrutiny is [summarily describe alleged misconduct].

[Fully describe facts of alleged misconduct].

We request that your department conduct a *Brady* investigation of [rank and name of officer]'s conduct and report the results of that investigation to the undersigned immediately upon completion. Enclosed is a copy of [describe any enclosures].

Thank you for your cooperation in this matter. Should you or any members of your staff require assistance, please contact Deputy District Attorney [name of Brady DDA] in the Brady Compliance Unit at (213) 974-5060.

Very truly yours,

[FULL NAME OF DISTRICT ATTORNEY]  
District Attorney

By

[FULL NAME OF APPELLATE DIVISION HEAD DEPUTY]  
Head Deputy, Appellate Division

[Secretary's Initials]

Encs.

c: [Name of referring source] (w/o Encs.)

## Forms Appendix

### **FORM 2. SAMPLE SUMMARY FOR BRADY ALERT SYSTEM**

For conduct occurring on [date], [title and name of officer] was charged in felony complaint [number of complaint] with the crime of [description of crime] in violation of [California Code section violated]. On [date], he pleaded no contest to the charge, and on [date], he was sentenced to [describe sentence]. On [date], the count was reduced to a misdemeanor pursuant to Penal Code section 17(b)(5) and dismissed pursuant to Penal Code section 1203.4. Although the charge of [description of crime] has been dismissed, the underlying conduct involves moral turpitude and is *Brady* material.

Forms Appendix

**FORM 3. MODEL LETTER TO EMPLOYEE--NO BRADY**

[Date]

Via Certified Mail

[Officer/Deputy Full Name]  
[Name of Employing Agency Name]  
c/o Subpoena Control Liaison Officer  
[Address of Employing Agency]  
[Line 2 of Address of Employing Agency]

Dear Officer/Deputy [Last Name]:

NOTIFICATION OF "NO BRADY" FINDING

The Brady Compliance Unit of the Los Angeles County District Attorney's Office has reviewed [identify Charge Evaluation Worksheet or Officer-Involved Shooting Letter] and has determined that this document does not contain *Brady* impeachment material as it relates to you. As a result of this finding, your name will not be placed in our office's Brady Alert System based upon the conduct documented in the referenced [Charge Evaluation Worksheet or letter.]

Very truly yours,

[FULL NAME OF DISTRICT ATTORNEY]  
District Attorney

By

[FULL NAME OF APPELLATE DIVISION HEAD DEPUTY], Head Deputy  
Appellate Division

[Secretary's Initials]

Forms Appendix

**FORM 4. MODEL LETTER TO EMPLOYEE--NO APPEAL**

[Date]

Via Certified Mail

[Officer/Deputy Full Name]  
[Name of Employing Agency Name]  
c/o Subpoena Control Liaison Officer  
[Address of Employing Agency]  
[Line 2 of Address of Employing Agency]

Dear Officer/Deputy [Last Name]:

NOTIFICATION OF PLACEMENT IN BRADY ALERT SYSTEM

The Brady Compliance Unit of the Los Angeles County District Attorney's Office has carefully reviewed [list documents reviewed] and has determined that these documents contain *Brady* impeachment material which relates to you.

The United States Supreme Court in *Brady v. Maryland* held that a prosecutor has a legal duty to turn over to the defense evidence favorable to a defendant which is exculpatory or impeaching and is material on guilt or punishment. Evidence impeaching a material prosecution witness is *Brady* material.

When you are a material witness in a case on either guilt or punishment, our office must disclose to the defense that [describe misconduct]. This conduct constitutes *Brady* evidence which can be used to impeach you. This information will be stored in our office's Brady Alert System which is a secure computerized database maintained exclusively by the Brady Compliance Unit and accessible only by deputy district attorneys who are prosecuting a specific case in which you are a witness.

You and your attorney have the right to review the material which is the basis for our determination to place you in the Brady Alert System. If you wish to be present at the review, your attorney must contact the Los Angeles County District Attorney's Law Enforcement Liaison at [area code and telephone number]. If you do not wish to be present at the review, your attorney may contact the Brady Compliance Unit at [area code and telephone number].

Officer/Deputy [Full Name]  
Page Two  
[Date]

You do not have the right, however, to appeal our determination, because evidence of [describe impeachment evidence, e.g., pending charges, probationary status] against a prosecution witness is per se *Brady* evidence under the law.

[Name of head of employing agency] has been notified by letter of your placement in the Brady Alert System. That letter included the statement that the District Attorney's Brady Compliance Unit finding, in and of itself, should not be used as the basis of a personnel action against you.

If you have any questions, you or your attorney may contact [name of contact person] at [area code and telephone number].

Very truly yours,

[FULL NAME OF DISTRICT ATTORNEY]  
District Attorney

By

[FULL NAME OF APPELLATE DIVISION HEAD DEPUTY], Head Deputy  
Appellate Division

[Secretary's Initials]

Forms Appendix

**FORM 5. MODEL LETTER TO EMPLOYEE--APPEAL**

[Date]

Via Certified Mail

[Officer/Deputy Full Name]  
[Name of Employing Agency]  
c/o Subpoena Control Liaison Officer  
[Address of Employing Agency]  
[Line 2 of Address of Employing Agency]

Dear Officer/Deputy [Last Name]:

NOTIFICATION OF PLACEMENT IN BRADY ALERT SYSTEM

The Brady Compliance Unit of the Los Angeles County District Attorney's Office has carefully reviewed [list documents reviewed] and has determined that these documents contain *Brady* impeachment material which relates to you.

The United States Supreme Court in *Brady v. Maryland* held that a prosecutor has a legal duty to turn over to the defense evidence favorable to a defendant which is exculpatory or impeaching and is material on guilt or punishment. Evidence impeaching a material prosecution witness is *Brady* material.

When you are a material witness in a case on either guilt or punishment, our office must disclose to the defense that [describe misconduct]. This conduct constitutes *Brady* evidence which can be used to impeach you. This information will be stored in our office's Brady Alert System which is a secure computerized database maintained exclusively by the Brady Compliance Unit and accessible only by deputy district attorneys who are prosecuting a specific case in which you are a witness.

You and your attorney have the right to review the material which is the basis for our determination to place you in the Brady Alert System. If you wish to be present at the review, your attorney must contact the Los Angeles County District Attorney's Law Enforcement Liaison at [area code and telephone number]. If you do not wish to be present at the review, your attorney may contact the Brady Compliance Unit at [area code and telephone number].

Officer/Deputy [Full Name]  
Page Two  
[Date]

You also have the right, within 30 days from the date of this letter, to appeal the Brady Compliance Unit's determination by submitting an objection letter to [name and title of District Attorney's special designee], a special designee of the District Attorney who is not affiliated with the Brady Compliance Unit, at [special designee's address]. The objection letter must be postmarked within 30 calendar days of the date of this letter and must include the bases for your objections. You may submit any additional information that you believe is relevant. Within 60 calendar days of the date of this letter, [name of special designee] will review the objection letter and accompanying documentation, if any, and make a decision as to whether or not your name and accompanying information are to be placed in the Brady Alert System. This decision is final and no further recourse is available. [Name of special designee] will inform you through your attorney in writing of his/her decision.

If you do not appeal, your name and accompanying information will be placed in the Brady Alert System 30 calendar days from the date of this letter. If you do appeal and are unsuccessful, your name and accompanying information will immediately be placed in the Brady Alert System. The fact that you are placed in the Brady Alert System does not mean that the Office will never use you as a witness. That decision will be made on a case-by-case basis by the trial deputy district attorney after consultation with his or her supervisor. If your name is placed in the Brady Alert System, the head of your employing agency will be notified by letter. That letter will also state that the District Attorney's *Brady* finding, in and of itself, should not be used as the basis of a personnel action against you.

If you have any questions, your attorney may contact [name of contact person] at [area code and telephone number].

Very truly yours,

[FULL NAME OF DISTRICT ATTORNEY]  
District Attorney

By

[FULL NAME OF APPELLATE DIVISION HEAD DEPUTY], Head Deputy  
Appellate Division

[Secretary's Initials]

Forms Appendix

**FORM 6. MODEL LETTER TO HEAD OF EMPLOYING AGENCY**

[Date]

[Full Name and Title of Head of Employing Agency]

[Name of Employing Agency]

[Address of Employing Agency]

[Line 2 of Address of Employing Agency]

Dear [Title and Last Name of Head of Employing Agency]:

[RANK AND NAME OF OFFICER],  
[BADGE/SERIAL/EMPLOYEE NUMBER OF OFFICER]

The Brady Compliance Unit of the Los Angeles County District Attorney's Office has reviewed information regarding [rank and full name of officer], [badge, serial or employee number of officer], an employee of your department, and has determined that *Brady* impeachment material which relates to [rank and last name of officer] exists. The review was conducted in accordance with the District Attorney's Brady Protocol as set forth in Special Directive 02-08.

[Describe impeachment evidence, e.g., pending charges, probationary status.] The mere existence of these pending charges is *Brady* material.

[Rank and last name of officer]'s name, along with the information regarding [describe the impeachment evidence], has been placed in our office's Brady Alert System which is a secure computerized database accessible only by Los Angeles County deputy district attorneys. However, in cases litigated on or after the initial date of [rank and last name of officer]'s misconduct, the fact that [summary description of misconduct] must be disclosed to the defense in two instances: (1) In currently pending cases where [rank and last name of officer] is a material witness on the issue of guilt or punishment; and (2) in closed cases in which he/she testified as a material witness at trial on the issue of guilt or punishment.

The District Attorney's *Brady* finding relating to [rank and last name of officer], in and of itself, should not be used as the basis of a personnel action against him/her.

[Title and Full Name of Head of Employing Agency]  
Page Two  
[Date]

Should you have any questions, please contact [name of contact DDA], Deputy District Attorney, Brady Compliance Unit, at (213) 974-5060.

Very truly yours,

[FULL NAME OF DISTRICT ATTORNEY]  
District Attorney

By

[FULL NAME OF APPELLATE DIVISION HEAD DEPUTY], Head Deputy  
Appellate Division

[Secretary's Initials]

Forms Appendix

**FORM 7. MODEL MEMORANDUM TO HEAD DEPUTY OR DEPUTY-  
IN-CHARGE**

MEMORANDUM

TO: [FULL NAME OF HEAD DEPUTY or DEPUTY-IN-CHARGE],  
[POSITION TITLE]  
[BUREAU ABBREVIATION, e.g.,BBAO-I],  
[OFFICE LOCATION, e.g., Antelope Valley Branch Office]

FROM: [FULL NAME OF APPELLATE DIVISION HEAD DEPUTY],  
Head Deputy  
BPSO, Appellate Division, Brady Compliance Unit

SUBJECT: **BRADY NOTIFICATION LETTERS**  
**[RANK, FULL NAME, AGENCY, ID # OF OFFICER]**

DATE: [DATE]

[Rank and full name of officer] has been added to the Brady Alert System, because [factual description of *Brady* impeachment evidence]. In cases litigated on or after the initial date of [rank and last name of officer]'s misconduct, i.e., [initial date or misconduct or date of misconduct], this [general description of misconduct, e.g., pending criminal charge] constitutes *Brady* material and must be disclosed to the defense in two instances: (1) In currently pending cases in which [rank and last name of officer] is a material witness on the issue of guilt or punishment; and (2) in closed cases in which he/she testified as a material witness at trial on the issue of guilt or punishment.

A PIMS run analysis indicates that [rank and last name of officer] is involved in the following cases which are pending in the [location of branch or area office or description of special division, unit or program]: [List cases by case number and defendant name, e.g.

AB123456 Jones, Jane Q.  
8CD67890 Smith, Dick X.]

Please personally review the case files to determine if [rank and last name of officer] is a material witness on the issue of guilt or punishment. If you determine that he is a

material witness, prepare and send a notification letter to defense counsel. (See attached model letter.) This letter should be clearly designated, "Personal and Confidential."

If the defendant is represented by the Public Defender's Office, send the notification letter to the head deputy of the branch office which is litigating the case. If the defendant is represented by the Alternate Public Defender's Office, send the notification letter to Janice Fukai, Alternate Public Defender, 35 Hall of Records, 320 West Temple Street, Los Angeles, California 90012. If the defendant is represented by a private attorney, send the notification letter to Gigi Gordon, Esq., Post Conviction Assistance Center, 1950 Sawtelle Boulevard, #310, Los Angeles, California 90025. If a warrant was issued and if the defendant's attorney is known, send the notification letter to that attorney. If a warrant was issued and if the defendant's attorney is unknown, place a dated copy of the notification letter in the District Attorney's file.

Once the letter to the defense attorney has been generated, compile a Correspondence Control Log which includes the following information: (1) Case number; (2) defendant's name; (3) peace officer's or governmentally-employed expert's name; (4) peace officer's or governmentally-employed expert's badge, serial or employee number; (5) peace officer's or governmentally-employed expert's employing agency; (6) defense attorney's name; (7) defense attorney's office; and (8) date the letter was mailed to the defense attorney. (See attached model form.) Forward a copy of the Correspondence Control Log to the Brady Compliance Unit, Attention: [full name of Brady Compliance Unit secretary], District Attorney's Office, 320 West Temple Street, Suite 540, Los Angeles, California 90012.

[Secretary's Initials]

Att.

- c: [If the memorandum was addressed to a deputy-in-charge, the full name of the deputy-in-charge's supervising Head Deputy], Head Deputy, [branch office location] Branch Office  
[Full name of supervising bureau director], Director, Bureau of [bureau name]  
[Full name of director of Bureau of Prosecution Support Operations], Director, Bureau of Prosecution Support Operations

Forms Appendix

**FORM 8. MODEL LETTER TO DEFENSE ATTORNEY**

[Date]

Personal and Confidential

[Full Name of Defense Attorney], Esq.  
[Name of Law Firm]  
[Street Address]  
[Line 2 Street Address]

Dear [Mr./Ms.] [Name of Defense Attorney]:

[NAME OF DEFENDANT], [CASE NUMBER]

[Opening paragraph includes officer's identifying information, i.e., agency, rank, full name, badge/serial/employee number, and consists of a brief description of the *Brady* impeachment evidence.]

The District Attorney's Office is disclosing this information to defense counsel who are representing or who have represented defendants either in pending cases in which [rank and last name of officer] is a material witness or in cases closed on or after the initial date of [rank and last name of officer]'s misconduct in which [he/she] was a material witness at trial on the issue of guilt or punishment. Our records indicate that you represent or represented [name of defendant] in the matter of *People v. [Full Name of Defendant]*, [case number], in which [rank and last name of officer] is a material witness or testified as a material witness at trial. This information is being provided to you so that you may take whatever action you deem appropriate.

Very truly yours,

[FULL NAME OF DISTRICT ATTORNEY]  
District Attorney

By

[NAME OF HEAD DEPUTY]  
Head Deputy, [Name of Division]

[Secretary's Initials]

Forms Appendix

**FORM 9. MODEL CORRESPONDENCE CONTROL LOG FORM**

**CORRESPONDENCE CONTROL LOG**

**OFFICER** \_\_\_\_\_ **ID #** \_\_\_\_\_ **AGENCY** \_\_\_\_\_

<b>CASE NUMBER</b>	<b>DEFENDANT NAME</b>	<b>DEFENSE INFO: ATTY NAME OFFICE NAME</b>	<b>DATE LETTER MAILED</b>

Please mail a copy of the completed Correspondence Control Log to: **Brady Compliance Unit**, Attention: [full name of Brady Compliance Unit secretary], District Attorney's Office, 320 West Temple Street, Suite 540, Los Angeles, California 90012.

Forms Appendix

**FORM 10. MODEL LETTER TO PIAS DEPUTY PUBLIC DEFENDER**

[Date]

[Full Name of Deputy-in-Charge], Deputy-in-Charge  
Los Angeles County Public Defender  
Public Integrity Assurance Section  
312 South Hill Street, Third Floor  
Los Angeles, CA 90013

Dear Mr./Ms. [Last name of Deputy-in-Charge]:

PIMS RUN ANALYSIS RE [RANK, FULL NAME, AGENCY, ID. NO OF OFFICER]

[Opening paragraph includes a brief description of the *Brady* impeachment evidence.]  
The [initial] date of misconduct is [date of misconduct or initial date of misconduct].

A PIMS run analysis indicates that [rank and last name of officer] is involved in the following pending cases: [List cases by case number and defendant name, e.g.,

AB123456 Fudd, Elmer  
8CD67890 Boop, Bette]

The following defendants were convicted following a jury trial. Although [rank and last name of officer] was listed as a potential witness, he did not testify at the respective trials: [List cases by case number and defendant name, e.g.,

EF789012 Gonzalez, Speedy  
8GH23456 Coyote, Wile E.]

Should you have any questions, please contact DDA [name of contact DDA] at (213) 974-5060.

Very truly yours,

[FULL NAME OF DISTRICT ATTORNEY]  
District Attorney

By

[FULL NAME OF APPELLATE DIVISION HEAD DEPUTY]  
Head Deputy, Appellate Division

[Secretary's Initials]