

Maricopa County Attorney's Office Prosecution Policies and Procedures

CHAPTER TRIAL PREPARATION	EFFECTIVE DATE 12/24/03	PROCEDURE # 6.4
SECTION LAW ENFORCEMENT INTEGRITY RECORDS		
DISTRIBUTION TRIAL ATTORNEYS	REVISION DATE 10/03/2011	REVISION # 2

In order to satisfy the disclosure obligations of Brady vs. Maryland, 373 U.S. 83 (1963), the Maricopa County Attorney's Office will maintain a Law Enforcement Integrity Database ("the database") containing the names of officers and other law enforcement employees in Maricopa County who have engaged in conduct that is required to be disclosed by the prosecution. All cases will be reviewed against this database and the Maricopa County Attorney's Office shall provide to the court or defense attorney all records related to such a finding in prosecuted cases in which the law enforcement employee is a witness.

A. LAW ENFORCEMENT INTEGRITY REVIEW COMMITTEE

1. Committee Members and Meetings

The Law Enforcement Integrity Review Committee shall consist of the Law Enforcement Liaison and the Criminal Division Chiefs. The Law Enforcement Liaison shall chair the Committee.

The Chair will receive all referrals from law enforcement regarding negative administrative determinations regarding a law enforcement employee's truthfulness, bias, or moral turpitude. Upon receipt of the referral, the Chair shall have the referral logged and a letter of receipt sent to the law enforcement employee who is the subject of the referral. The Chair will screen the law enforcement referrals and set Committee meetings to review all referrals that contain negative determinations regarding a law enforcement employee's truthfulness, bias, or moral turpitude. The Chair will ensure that the law enforcement referral includes all of the material on the allegations that lead to the negative determination and distribute that material to the Committee members prior to the meeting.

2. Review of Law Enforcement Referrals

The Committee will meet, as needed, to review the law enforcement material and determine whether a law enforcement employee's name shall be added to the Database. The standard of review shall be a preponderance of the evidence. Upon completion of the review, the Chair shall send a letter to the subject law enforcement employee and the agency that made the referral describing the Committee's findings.

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If a law enforcement employee is in the database and a conflicting administrative decision is made about the law enforcement employee's conduct, the Committee shall review the later material and determine whether the law enforcement employee's name should be eliminated from the list.

3. Review of MCAO Referrals

Any DCA who observes or becomes aware of law enforcement conduct that may be related to a law enforcement employee's truthfulness, bias, or moral turpitude shall report the matter to the Law Enforcement Integrity Review Chair. The Maricopa County Attorney's Office may initiate an investigation that leads to a law enforcement employee's name being added to the database. The investigation shall include providing the subject law enforcement employee the opportunity to respond to the allegations. The results of the investigation will be reviewed by the Law Enforcement Integrity Review Committee, including an evaluation of the law enforcement employee's response. The standard of review shall be a preponderance of the evidence. The disclosure material will be the investigation report and the Law Enforcement Integrity Database Committee's written finding that the law enforcement employee should be included in the Law Enforcement Integrity Database.

4. Redaction

Upon receipt of documentation from the database each DCA shall review the documentation and redact any privileged or confidential information (i.e. Identifying information of a crime victim or officer, such as address, telephone number, social security number, etc.) before the records are disclosed to the defendant.

B. DISCLOSURE OF LAW ENFORCEMENT INTEGRITY RECORDS

When a case is opened, the attorney, paralegal or support staff shall check the names of the law enforcement employees in the case against the database and note in the case log if a law enforcement employee involved in the case is in the database. If any law enforcement employee involved in the case is in the database, the DCA, paralegal or support staff will contact the law enforcement liaison to obtain copies of the

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documentation supporting the law enforcement employee being in the database. The DCA shall do the following:

1. The DCA shall disclose to the defendant that the law enforcement employee is in the database.
2. The DCA shall disclose the redacted documentation to the defendant.
3. Material that must be disclosed is not always admissible evidence in trial. The DCA shall determine whether the law enforcement integrity information in a particular case is admissible and what arguments to make regarding admissibility. If a DCA requests preclusion of the documentation from trial, the DCA shall file a written motion with supporting factual and legal analysis justifying the state's motion to preclude.

C. CLOSEOUT

A copy of all documents disclosed to the defendant may be retained in the State's file under seal. All unredacted documents and a completed report regarding the court's ruling on any motion to preclude shall be returned to the law enforcement liaison before or upon disposition of the case. A DCA does not need to return any documentation provided electronically.

To ensure that DCAs receive complete and accurate information, no employee may establish or maintain an independent law enforcement integrity database or set of documents. A separate request for records from the law enforcement liaison shall be made for each case in which the law enforcement employee is involved.