Office of the District Attorney

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How Prosecutors Misuse Brady Lists to Deny Law Enforcement Officers' Due Process Rights and Ruin Their Careers

[redacted]

LELDF Research Report

September 2026

LELDF
LAW ENFORCEMENT LEGAL DEFENSE FUND

Contents

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The Law Enforcement Legal Defense Fund (LELDF) is a 501(c)(3) non-profit dedicated to supporting and defending the law enforcement profession and those law enforcement officers who have devoted their lives to upholding the Constitution and serving the United States and its citizens while enforcing its laws. We also seek to educate the public about the many risks and threats to law enforcement personnel in order to build a more informed, respectful, and appreciative society.

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September 2026

Introduction and Findings

In April 2019, a reporter knocked on Travis Hamilton's front door in Iowa and asked him how it felt to be on the county's Brady list. That was how Hamilton — a police officer with nearly twenty years of service — learned that the government had branded him a credibility risk. No one had told him. No one had shown him the evidence. No one had explained how to challenge it. When he asked for the list later, the county attorney's office told him no such list existed.[1]

Five years later, on the other side of the country, Deputy U.S. Marshal Cory Novick learned he had been placed on the federal "Lewis List" in Washington, D.C. in his termination letter.[2]

These stories are not the exception. They are the rule because in most of America Brady lists have no rules. Prosecutors often have no written policies the public can see, apply no standards of evidence used to list officers, and grant no appeals or removal process. Variously called Brady lists, Giglio lists, Lewis lists, and do-not-call lists, they quietly brand an officer as untrustworthy, like a scarlet letter. Officers usually have no right to review or appeal these decisions. As a result, prosecutors possess unchecked and unseen powers to end a law enforcement career.

The Supreme Court ruled that prosecutors must disclose evidence that may help the defense, including potential integrity issues of a government witness (e.g., a police officer). That rightly protects the due process rights of the accused. But the Court never required a blacklist. Instead, prosecutors invented these lists for administrative purposes, helping them to track and designate witness issues. Brady lists, created to ensure due process for defendants, often deny the same rights to the law enforcement officers placed on the list. We found that most prosecutors lack clear written criteria and rules of evidence for placement and provide officers no mechanism for notice, review, or removal from the lists. The system unfairly tramples the due process rights of cops to protect those of criminals.

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FINDINGS

• BRADY LISTS DENY POLICE THE SAME RIGHTS EXTENDED TO CRIMINAL DEFENDANTS

The Supreme Court's Brady doctrine enshrines defendants' due process rights by requiring prosecutors to disclose evidence that may favor the defense. But the system built to protect accused criminals often denies those same protections to law enforcement officers accused of misconduct.

In most of the country, prosecutors have unchecked powers to blacklist police officers and end their careers. Officers are afforded no due process, no transparency, and no appeal rights.

Where Brady List processes are undefined by statute, prosecutorial powers are absolute and have created a system vulnerable to abuse characterized by:

- **Unsubstantiated Allegations**
- **Arbitrary Investigation and Review**
- **Secret Decisions and Evidence**
- **Permanent Listing**
- **Limited to No Recourse**

A Brady List designation can end an officer's career since they are frequently barred from testifying and participating in criminal cases, becoming a liability to their employing agency. Inclusion is a Scarlet Letter and often results in a pink slip.

• THE ONLY RULE OF BRADY LISTS IS THERE ARE NO RULES

Brady List rules are a patchwork that vary by jurisdiction with few standards and principles to guide their design and almost no mechanism to ensure compliance – and fairness.

According to a 2019 survey of over 400 local prosecutors' offices by USA Today, three quarters of prosecutors' offices maintain no list whatsoever. The vast majority are small jurisdictions.[3]

In the 50 large jurisdictions surveyed in this study, most maintained a standing list, but many lacked consistent and clear policies and procedures to create, maintain, and revise their Brady Lists.

> A Brady List designation can end an officer's career.

• FLIMSY PROOF OF GUILT IS ENOUGH TO LIST OFFICERS

30 of 50 (60%)

expressly allow unproven (unsustained and pending) allegations as a basis to include officers. Eight other offices provided documents with no criteria whatsoever.

40 of 50 (80%)

have no defined standard of proof for an allegation to warrant listing.

26 of 50 (52%)

either use criteria sweeping beyond credibility — use of force complaints, bias on social media posts, “moral turpitude,” undefined catch-alls — or state no criteria at all.

• BLACKLISTING IS SECRET AND UNCHECKED

44 of 50 (88%)

never guarantee notice to the officer before inclusion — the officer learns after the decision is final, only if time permits, or never.

21 of 50 (42%)

never provide for directly notifying the officer at all — eight place the officer first or route notice elsewhere; thirteen simply say nothing.

23 of 50 (46%)

identify no reviewer at all — listing officers on a single official’s judgment or an entirely undefined process.

• OFFICERS HAVE LITTLE RECOURSE

22 of 50 (44%)

consider any response from an officer before finalizing a placement on the Brady List. Only six expressly guarantee a right to respond.

23 of 50 (46%)

offer any appeal, reconsideration, or removal mechanism — all decided by the same office that made the placement decision — and 22 of 50 (44%) do not allow any appeal.

Only
3 of 11

states with Brady-list statutes provide a **path to independent review** by a court or oversight body — Iowa, Georgia, and New Hampshire.*

*Nebraska adds a narrower court petition on October 1, 2026 — its court may modify a listing but cannot order a name removed.)

• A BRADY LISTING IS A SCARLET LETTER – AND CAREER-KILLER

Prosecutors often prevent and even bar officers from testifying in court since the disclosure of credibility and integrity concerns would undermine criminal cases.

Officers included on Brady Lists are often terminated by their agency or have their duties reduced.

Brady List inclusions are often transmitted to future employing law enforcement agencies, diminishing officers' future law enforcement career prospects.

• WITHOUT CLEAR RULES, PROSECUTORS' UNCHECKED POWERS ARE SUSCEPTIBLE TO ABUSE

39 of 50 (78%)

of states have no statute governing how Brady Lists operate. A handful of others have binding and nonbinding guidance. But most of those with rules provide few protections to officers.

The lack of transparency, oversight, and remedy leaves the Brady List system prone to arbitrary, retaliatory, and incompetent decisions.

• IN THE SPIRIT OF BRADY, LAW ENFORCEMENT OFFICERS DESERVE THE SAME DUE PROCESS RIGHTS

States must establish clear and robust rules based on ten (10) basic principles:

1. **Written, Clear, Uniform, and Public Rules**
2. **Evidence-Based Investigations and Documented Determinations**
3. **Clear and Convincing Criteria**
4. **Deliberative Review Process**
5. **Pre-Placement Notice and Input**
6. **Proportionate and Tiered Disclosure**
7. **Justified and Prompt Notification**
8. **Reconsideration and Look-Back Review**
9. **Oversight and Audits**
10. **Independent Mechanisms for Appeal and Removal**

HOW WE DID THIS — METHODOLOGY IN BRIEF

In 2026, LELDF submitted public records requests to 60 of the largest prosecutors' offices in the country and received three dozen responses. Additionally, we identified open source policies in other jurisdictions. This report analyzes 50 offices including 47 local district attorneys and three US Attorney's offices (DC, Northern District of NY, and Western District of Michigan). State policies were identified through open source research. This analysis covers all 50 states and 50 prosecutors. If the available or produced documents do not address a topic, they are considered deficient. The findings reflect those documents. See Appendix for detailed methodology.

2.

What Are Brady Lists?

What Are Brady Lists?

In 1963, the United States Supreme Court held "the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution."[4]

That case, *Brady v. Maryland*, concerned an armed robbery where the victim was murdered by one of the two defendants. The prosecution withheld statements by one of the accused that implicated the other as the killer, a fact that may have mitigated the co-accused's culpability and resulting death sentence.

Building on prior precedents, the Court created a clear and affirmative obligation for prosecutors to turn over evidence that may mitigate or exculpate the accused.

Under *Brady*, the government must disclose all pertinent evidence to ensure a fair trial and afford the accused due process and equal protection under the law.

The crux of the Brady rule is that everyone is entitled to due process and equal protection under the law through a fair trial.

Subsequent court decisions both at the high court and in lower federal and state courts further expanded a defendant's right to evidence that might undermine the government's case against them.

Most notably, the Court extended its Brady rule in the 1972 case *Giglio v. United States* to include the credibility of a government witness as a form of disclosable evidence.[5]

This "impeachment evidence" standard has consistently been applied to law enforcement personnel who act as government witnesses.

While both *Brady* and *Giglio* held that evidence "material" to the accused's defense must be disclosed, neither case or any later decision made explicit what type of information must be disclosed, what criteria should be used, and what procedures should be followed to comply with *Brady* and its progeny.[6] The Court's guidance seemed to echo its contemporary and confoundingly vague standard on obscenity: "I know it when I see it."

That leaves prosecutors with only intuition to divine the Court's directive for disclosure. Over the decades, prosecutors sought to meet their obligation to disclose "impeachment" evidence related to law enforcement witnesses in ad hoc and inconsistent ways.

To track potential disclosure issues, many district attorneys' offices began to compile "Brady lists" of officers who had credibility issues that could undermine the government's criminal case (for example, prior convictions for perjury).

Offices call their systems Brady lists, Giglio lists, Potential Impeachment Disclosure files, Brady Banks, Rule 15 databases, Lewis Lists, disclosure databases, witness alerts, recurring-witness systems, or simply discovery procedures.

Relevant and sustained officer misconduct including perjury, planted evidence, a deliberately false report, and fraud clearly constitutes disclosable evidence and could warrant

BRADY LISTS
(A.K.A. GIGLIO LISTS, DO NOT CALL LISTS, OR LEWIS LISTS)

"named after the Supreme Court decision Brady v. Maryland, are lists some prosecutors maintain of law enforcement officers with histories of misconduct that could impact the officers' credibility in criminal cases."

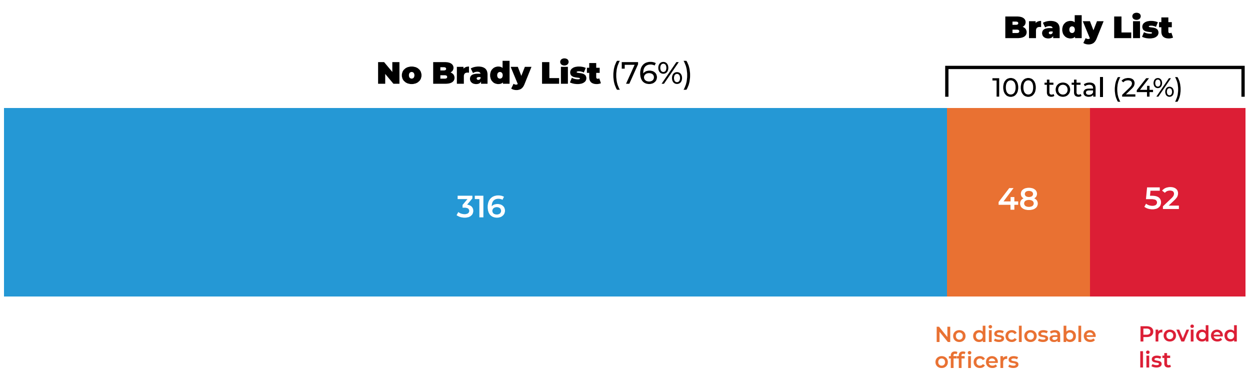
– Rachel Moran, professor of law at the University of St. Thomas (Minnesota), writing in the Minnesota Law Review (2022)[7] a listing. But the criteria for inclusion on a list often extends far beyond the Supreme Court's credibility standard for material requiring disclosure, and thus listing of an officer. Virginia Beach, Virginia's Commonwealth's Attorney's "Non-Exhaustive List" of Brady Material includes bias expressed in social media posts, "mistreatment" of witnesses, and a catch-all "anything that generally calls into question the integrity of the officer."[8]

Officers can be listed for old discipline, disputed memory, off-duty conduct, force complaints, bias accusations, pending investigations, and conduct tangential to witness credibility (e.g., a bar fight, a drinking problem). Officers can even be listed for unfounded or dismissed allegations of wrongdoing. To be simply accused of misconduct is sufficient.

Thomas P. Hogan, a former federal prosecutor and elected district attorney, describes the underlying doctrinal problem as an 'unfinished symphony.' The Supreme Court imposed the duty to disclose but never supplied stable boundaries for what constitutes law-enforcement impeachment material. Different reasonable prosecutors can classify the same conduct differently.

> *"Simply put, nobody knows exactly what constitutes law enforcement Giglio Material."*
>
> – Thomas P. Hogan, former federal prosecutor, Cornell Journal of Law and Public Policy (2021)[9]

FIGURE 1. SHARE OF PROSECUTORS' OFFICES THAT MAINTAIN BRADY LISTS



A 2019 survey by USA Today of more than 400 prosecutors' offices found that 76% do not maintain a Brady list.[10] Still more prosecutors have no written Brady "policy" to determine eligibility for list inclusion of disclosable officer conduct. Instead, they decide what constitutes "impeachment" evidence subject to disclosure on a case-by-case basis — often because they oversee a very small number of law enforcement personnel who could serve as witnesses.

Source: USA Today survey, 2019; NB: N= 416 as 27 offices that denied requests are excluded from the count

Others do not keep a Brady list at all and process these credibility disclosures ad hoc.

While some states have recently enacted statewide standards mandating the creation and maintenance of Brady lists and the criteria for inclusion and disclosure, the vast majority (31 states) have no such rules nor any substantive statewide guidance for prosecutors.

To fill that void, prosecutors are left to develop their own policies and procedures (or none at all), relying on their own experience and preferences or those of self-selected peers. In some instances, these policies are developed wholly by outside groups with ideological agendas and no accountability to the courts or voters. And lacking any guardrails, prosecutors can — and do — change their own policies or deviate from them on a whim.

The result is a patchwork system comprised of idiosyncratic, inconsistent, untested, and opaque policies and procedures that vary from jurisdiction to jurisdiction, case to case, and even day to day on an arbitrary basis — at the sole discretion of the prosecutor.

A prosecutor's failure to disclose witness credibility concerns can be sanctioned by a court if discovered by the defense or the courts, with serious repercussions for the criminal case or the attorneys involved. But there is no such recourse for those placed on a Brady list in states and jurisdictions with no rules regarding list maintenance, inclusion, review, notification, and appeal.

Across the country, most prosecutors have sole discretion to decide whether to keep a list, who is included, why and how, and whether those officers receive notice that they were included and if they can review the evidence against them or appeal the decision to exclude them from testifying.

Ironically, that arbitrary prosecutorial power denies law enforcement officers the same due process rights and equal protection that *Brady* affords defendants — in the name of *Brady*.

Based on public records obtained from 50 prosecutors' offices in the United States, this study examines what policies do exist, how Brady lists are compiled, who decides and based on what criteria, who gets notified, and what rights officers have to review or appeal their inclusion.

For police officers, being placed on the Brady List is a 'scarlet letter' – marking them as a liability in court, to the prosecutor's ability to try cases, and to their law enforcement agencies. Since the accused's defense is provided the government's "evidence" of the officer's misconduct (sustained or otherwise), it can be used to "impeach" or undermine the witness's credibility, jeopardizing criminal cases. A listed officer is effectively banned from testifying and unable to make arrests, handle evidence, conduct investigations, or perform other duties that might require them to appear as a witness.[11]

That makes them largely useless to police departments and eligible only to perform administrative tasks and duties ancillary to criminal cases. Departments often terminate listed officers or reduce their opportunities for career advancement. Brady Lists function as a blacklist — killing cops' careers with the stroke of a pen.

And many prosecutors keep these blacklists in a black box. In most jurisdictions, officers are not notified beforehand, allowed to see evidence against them, able to respond, or appeal the prosecutor's decision.

"I take Brady designations extremely seriously, which is why I do them myself and do not delegate them to anyone else."

– **Ramin Fatehi, Commonwealth's Attorney, City of Norfolk, Virginia**[12]

3.

How Do Brady Lists Work?

How Do Brady Lists Work?

While not all prosecutor's offices compile and maintain Brady Lists, all are required to comply with Constitutional disclosure obligations to the defense including turning over witness credibility information. Due to the scale of their offices and volume of their caseloads, most large jurisdictions manage Brady Lists and institute policies and procedures that govern them. This study examines 50 such prosecutors (47 are local prosecutors, two US Attorney's Offices with exclusively federal jurisdiction, and the US Attorney for the District of Columbia which has both).

In total, the 47 local prosecutors and the US Attorney for DC oversee a population of nearly 70 million — more than 1 out of 5 Americans — and handle a much larger share of serious felony cases.[13] These prosecutors also work with over 1,000 local police agencies employing more than 140,000 sworn personnel.[14]

This study submitted public records requests to the 60 largest jurisdictions, received responsive records from more than half, and identified the remaining offices' policies from publicly available sources and litigation records. Additionally, this study surveyed state-wide Brady List laws and guidance for all 50 states. This chapter analyzes those policies and procedures to answer five questions: what policies exist, how Brady Lists are compiled, who decides and based on what criteria, who gets notified, and what rights officers have to review or appeal their inclusion.

STUDY FINDINGS:

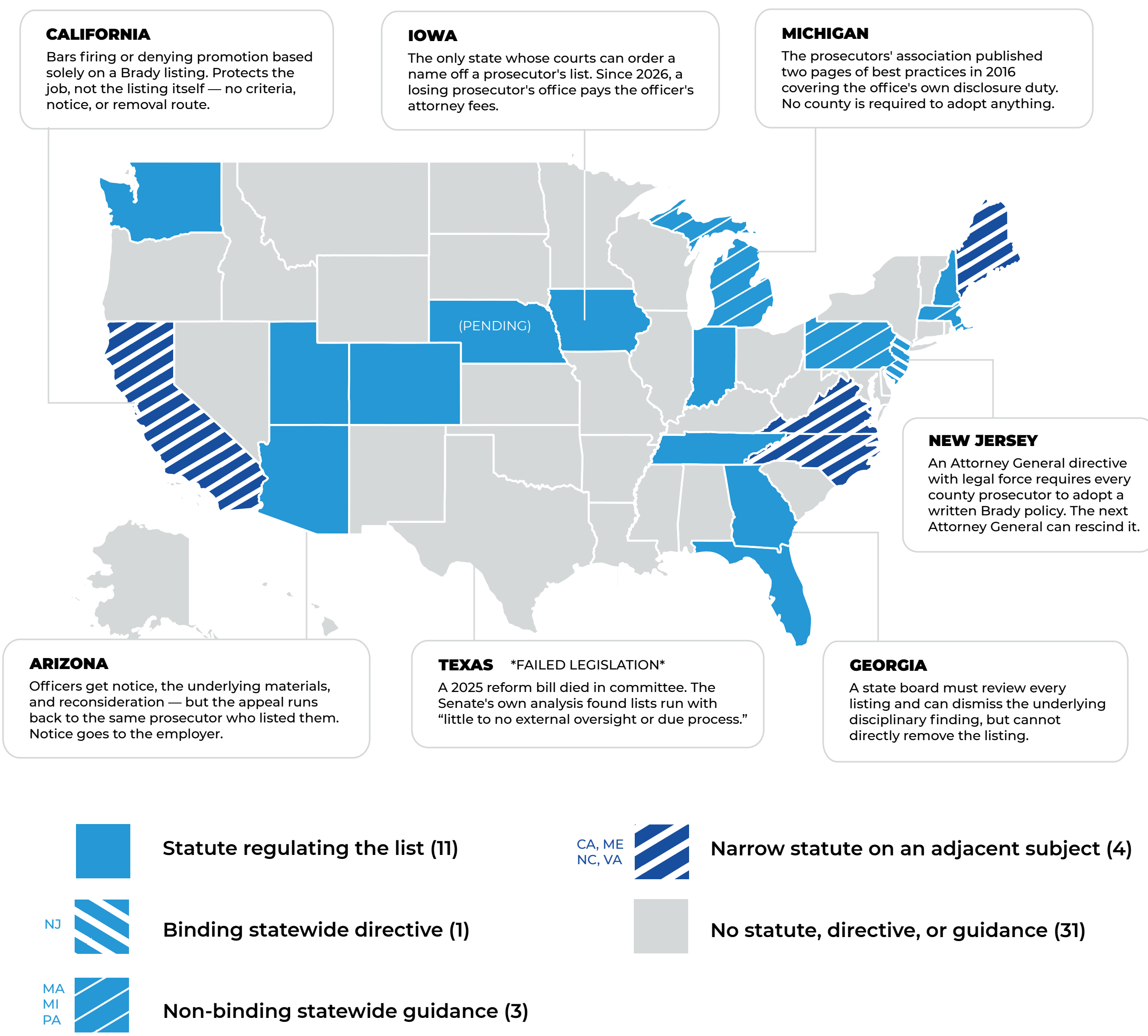
- **State laws and guidance are a patchwork, lacking a consistent approach to how Brady compliance is conducted, and what due process rights are afforded to officers;**
- **Most prosecutors' offices have unchecked discretion, susceptible to arbitrary (or vindictive) enforcement;**
- **Every office and state with a policy meets at least one of our ten (10) criteria for best practices, but none meet all of them (or most);**
- **Providing law enforcement officers due process for Brady Listing is neither difficult nor inconsistent with disclosure obligations. In fact, giving due process rights to police officers best accords with the Brady decision's ruling that transparency and fairness are necessary to serve justice.**

SECTION 1
THE STATES

1. 50 States: Statutes, Suggestions, and Silence

The vast majority of states have no statute governing Brady Lists specifically. Only ten (10) have operative laws and one more (Nebraska) has a statute that has yet to come into force (effective October 1, 2026). The remaining 39 states have no Brady List statute at all. Four of them have narrow laws on adjacent subjects — employment consequences, certification, prosecutor records access — that touch Brady lists without governing them, and another four have statewide guidance (e.g., attorney general directives, procedures, or professional-association protocols). The remaining thirty-one states have nothing.

FIGURE 2. BRADY LIST POLICIES BY STATE (AS OF SEPTEMBER 2026)



Note: Nebraska statute takes effect Oct 1, 2026.
Source: LELDF analysis of 50 states' Brady List policies, as of 2026.

But even in those states with statutory rules, the laws vary widely. The eleven states that codified an approach to Brady Lists (Arizona, Colorado, Florida, Georgia, Indiana, Iowa, Nebraska, New Hampshire, Tennessee, Utah, and Washington) regulate the procedures very differently. None consistently afford officers the full due process rights outlined in our 10 principles. If one state law (e.g., Arizona) provides transparency and notification, it does not provide an independent avenue for appeal. If a state law (e.g., Nebraska's new statute) provides independent appeal rights, it gives the officer no right to obtain the evidence the prosecutor used to list him but the statute directs the officer to assemble "a complete record" for the court. And Nebraska's court may modify a listing but cannot order a name removed. In some cases the state law's text appears to contradict its intent to reform the system. Tennessee's law mandates that the officer and his lawyer have access to all the evidence against him (before and after a listing) but prohibits the officer from suing to enforce any of it. In effect, officers in most states are left in the dark with nothing to appeal; in Tennessee they can see everything — and enforce nothing. Lawmakers created a procedural trap worthy of Kafka.

States with narrow statutes extend protections to officers in incoherent and ironic ways. Virginia recently revised its code to provide extensive due process rights to officers subject to decertification (i.e., effectively banning them from law enforcement employment). If an officer is fired or resigns due to an act that "compromises an officer's credibility, integrity, or honesty or that constitutes exculpatory or impeachment evidence in a criminal case" (precisely the conduct that lands an officer on the Brady List), that conduct must be reported to the state board, which can initiate a decertification process.[15] One of the standards of misconduct expressly includes "failing to report known exculpatory and impeachment information in a criminal case to a superior officer" (which is what Brady material is). But the ironic twist is the officer set to be banned from a police career is given notice, a review window and appeal right, and the ability to petition for reinstatement after five years.

None of those rights are extended to Brady listings – which are often grounds for termination. In other words, alleged misconduct can get you fired, but only after you've been fired and banned from policing can you review the claims against you and seek redress.

This inconsistent and incomplete approach to codifying due process rights for officers subject to Brady listings is apparent across the country in almost every statutory scheme. But not all laws are equally fair. Under Iowa law, an officer may petition the district court, which reviews the record privately, and "may affirm, modify, or reverse a prosecuting agency's decision" to list an officer.[16] The court decides by a "preponderance of the evidence" — so the government need only tip the scales slightly to justify a listing, a far lighter burden than the "clear and convincing" standard these principles recommend before a career-altering designation sticks.

STANDARDS OF PROOF

CLEAR AND CONVINCING EVIDENCE:

*"Evidence indicating that the thing to be proved is **highly probable** or **reasonably certain.**"*

PREPONDERANCE OF EVIDENCE:

*"Evidence which is of **greater weight or more convincing** than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is **more probable than not.**"*

– Black's Law Dictionary[17]

“

Iowa’s is the only court in America expressly empowered to order a name off a prosecutor’s list.

But Iowa, whose supreme court unanimously upheld the new law and de-listed Jefferson County Sheriff Bart Richmond (See Chapter IV), also added a one-way fee-shifting provision in 2026: a prosecuting agency that loses in court pays the officer’s attorney fees, retroactive to petitions filed on or after July 1, 2021 — a real deterrent against defending baseless listings. Iowa has continued to amend its code to strengthen officers’ due process rights in a hopeful sign that the state will continue to resolve remaining deficiencies in the law.

While Iowa’s is the only court in America expressly empowered to order a name off a prosecutor’s list (New Hampshire lets an officer petition its Superior Court to contest inclusion on the state’s published schedule), Georgia’s statute provides independent review through the state oversight board. That body must review the factual basis of every listing and can dismiss an unwarranted disciplinary finding. It also bars law enforcement agencies from taking adverse employment action based on the listing alone. Any listing decision must put its reasons in writing, a petition for reconsideration must be decided promptly, and a denial “shall be in writing and include the specific reasons for such decision.”[18] It goes further and requires the state Prosecuting Attorneys’ Council to create and disseminate uniform statewide policies on placement, removal, reconsideration, and notice. But the rule has a gaping hole since only offices that keep a list are required to adopt the standards. No list, no rules.[19]

Florida’s law is written in a similarly incoherent way. Since “a prosecuting agency is not required to maintain a Brady identification system,” only offices that maintain them (or acknowledge they do) have to comply. The statute requires employers to send their sustained internal affairs findings to prosecutors, then strips those officers of the right to notice and reconsideration. Only if the agency keeps a list must it follow these rules — and once judged guilty you cannot confront the evidence against you. States which purport to provide due process are writing loopholes and Catch-22s into law that gut the same protections.[20] In Utah, lawmakers stripped the right to seek judicial review from the code and allowed the right of officers who had been listed years prior to petition for review to sunset in 2025.[21]

The patchwork of state laws frays more and more when you pull at the threads. While Arizona provides notice and access to materials, and a means to seek reconsideration, that final avenue runs through the same prosecutor’s office that listed the officer in the first place. It’s the equivalent of a defendant asking a judge to set aside their own verdict when there is no court of appeals to overrule them. Similarly, the state’s requirement that prosecutors provide notice before finalizing a placement only mandates that the employing agency, not the officer, be told.[22]

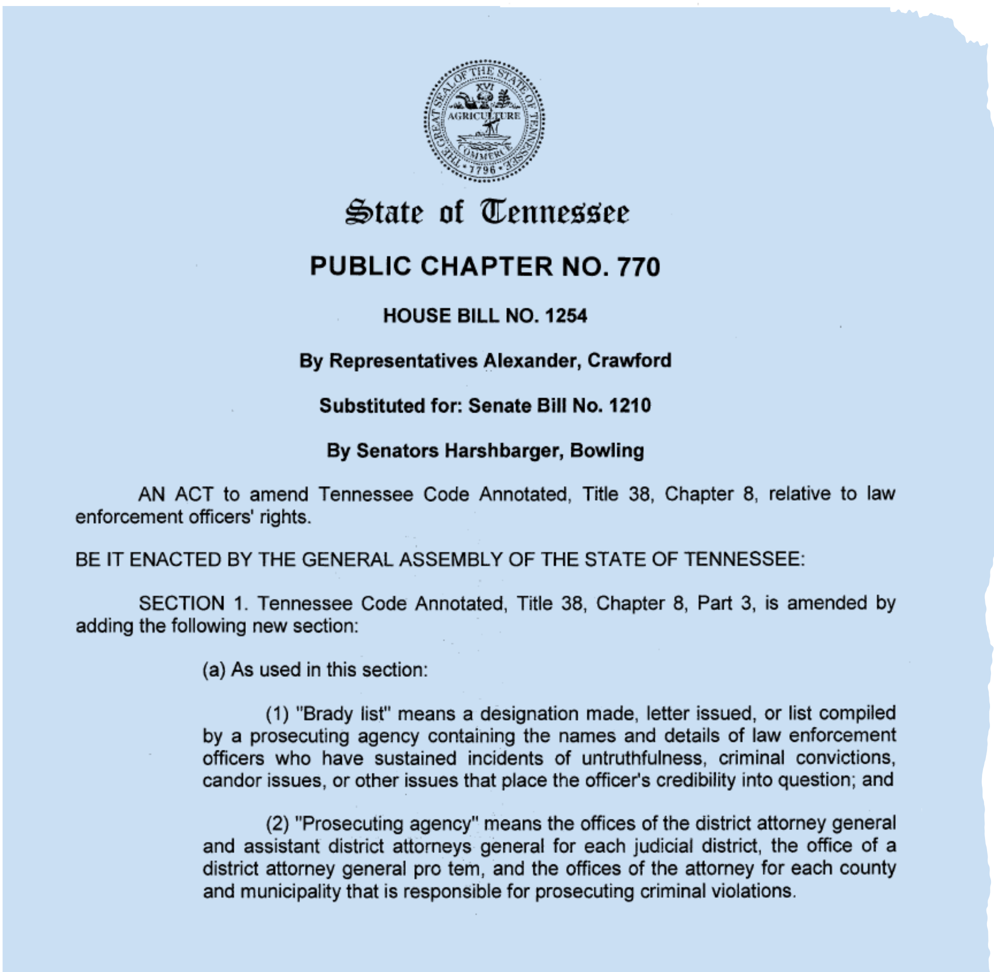
Colorado’s 2021 statute does mandate that every prosecutor adopt a written Brady List policy and post on its website how the public can reach the state’s database of credibility disclosures. A review of the seven Colorado offices in this study found nearly identical verbiage linked to the state’s model policy. That model policy separates sustained findings from pending investigations and offers three clearly defined removal triggers.[23] Colorado allows court-ordered list removal, but it specifies no procedure. Placements feed a public statewide database, but no one audits them. It is a paper policy promising transparency, fairness, and redress but does not guarantee implementation fidelity or clarity.

And word count doesn’t protect against omission. Washington’s statute is one of the most detailed sets of rules governing Brady lists but doesn’t require officers to be directly notified of their listing. And in 2025, the state’s attorney general issued an opinion stating that prosecutors have no authority to remove an officer’s name simply because time has passed. Apparently, officers cannot outrun or even outlive their Brady listing.[24]

Other protections for law enforcement suffer from the sausage-making process in state capitols. A Colorado bill’s provision mandating list removal based on inaccuracy was struck and replaced with removal “when appropriate and lawful.”[25]

Other state efforts to fix Brady Lists went nowhere. Vermont convened a study committee but reached no consensus, so nothing was done. Mississippi's reforms passed the House 113 to 4 but later died in a Senate committee. Vermont's officials themselves called for reform in 2022: the Department of Public Safety told the legislature that Brady letters "can have the effect of ending an officer's career and there are no due process mechanisms to challenge the letters, let alone any statewide standards or criteria for issuing them."[26]

Efforts in Nevada, Minnesota, and Ohio met the same fate. While Texas's 2025 bill languished in committee, the state Senate's bill analysis summed up the status quo in more than 30 states aptly, finding that Brady lists are maintained "solely under the jurisdiction of prosecutors, with little to no external oversight or due process," and officers "are typically not given an opportunity to formally appeal their inclusion, making it nearly impossible for them to be removed."[27]



State of Tennessee

PUBLIC CHAPTER NO. 770

HOUSE BILL NO. 1254

By Representatives Alexander, Crawford

Substituted for: Senate Bill No. 1210

By Senators Harshbarger, Bowling

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 8, relative to law enforcement officers' rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 3, is amended by adding the following new section:

(a) As used in this section:

(1) "Brady list" means a designation made, letter issued, or list compiled by a prosecuting agency containing the names and details of law enforcement officers who have sustained incidents of untruthfulness, criminal convictions, candor issues, or other issues that place the officer's credibility into question; and

(2) "Prosecuting agency" means the offices of the district attorney general and assistant district attorneys general for each judicial district, the office of a district attorney general pro tem, and the offices of the attorney for each county and municipality that is responsible for prosecuting criminal violations.

TENNESSEE's legislation originally called for a ten-business-day response window but was changed to "as soon as practicable." Tennessee guarantees the officer and his counsel access to every record behind the determination even as it closes the list to the public, and it requires a summary of the prosecutor's reasoning both before placement and after it — and then forecloses any private cause of action to enforce either.[28]

2. Narrow or Non-Binding: Limited State Laws and Guidance

A handful of states have no laws that specifically address officers' due process pertaining to Brady placements but have adopted statutes on adjacent subjects that touch the issue tangentially. Other states have Brady-specific rules issued as guidance that is non-binding (i.e., not codified in law), either as 1) state attorney general opinions and directives or 2) guidance promulgated by state or professional oversight bodies. Each is preferable to silence but insufficient to enshrine law enforcement's due process rights. They either have no enforcement mechanism since they are mere suggestions or are subject to being changed capriciously by a single person or unelected body.

In addition to Virginia, North Carolina confers rights only through the certification pipeline: a do-not-testify notification must be reported to the certification commission with a copy to the officer, but the statute only allows the court to review whether the notification events occurred, not the merits. California's law goes further and bars employment consequences imposed solely for a Brady listing. Maine's new statute (effective January 1, 2026) regulates how police agencies assist prosecutors with Brady obligations but extends no protections to officers.[29] At best, these narrow statutes are "Brady List-adjacent" – relevant but not responsive to the harms of a Brady list placement.

Elsewhere, states have guidance documents that are sometimes laudable in aim but utterly toothless. In 2023, Massachusetts' Attorney General responded to a public records request for Brady List materials but noted it did not include an actual policy in its production. Two years later, the Attorney General's office published a detailed intake procedure with a standing Brady Review Team, mandatory database queries on every member of the prosecution team, a documented "candid conversation" with the officer, a fourteen-day reconsideration right and annual review of the disclosure list assessing who should be removed.[30] While the structure appears strong, it is hollow since it only applies to the Attorney General's office itself and has no force across the 11 local district attorneys' offices. Worse, it declares the policy "does not create any enforceable rights, duties, or remedies," and compliance or noncompliance "shall not be cited" against the office. Thus, its own policy is a self-suggestion.

"

Guidance, opinions, and directives are not law.Without codifying an officer's rights, offering a forum to seek redress, or enforcing consequences for non-compliance, they are effectively meaningless.

New Jersey's Attorney General issued a binding statewide directive that does have legal force — it requires every county prosecutor to implement a written Brady/Giglio policy — but the next officeholder can rescind or rewrite the rules at their pleasure.[31] Washington state's prosecutors adopted a statewide model policy in 2022 after a state law mandated all prosecutors adopt one, like Colorado. Then, in response to a local prosecutor's inquiry, its Attorney General issued an opinion in 2025 clarifying Brady listing rules in a way that narrowed officers' practical path off a list, cutting against the model policy's removal provisions.

Other states (Michigan and Pennsylvania) have published model policies and best-practice guides that are just as non-binding. On paper, Pennsylvania's 2019 Giglio protocols are exemplars with two tiers, written notice to the officer stating his status and the procedures for reconsideration, thirty days to seek review with counsel or a union representative present, and a status review every two years. But they are only suggestions, as no local Pennsylvania jurisdiction is required to adopt them.[32] Michigan's association published best practices in 2016 consisting of two short pages about the prosecutor's own duty to disclose and little else.

Guidance, opinions, and directives are not law. Without codifying an officer's rights, offering a forum to seek redress, or enforcing consequences for non-compliance, they are effectively meaningless.

3. Discretion by Default: Most Prosecutors Wield Total Control Over Brady List Policies

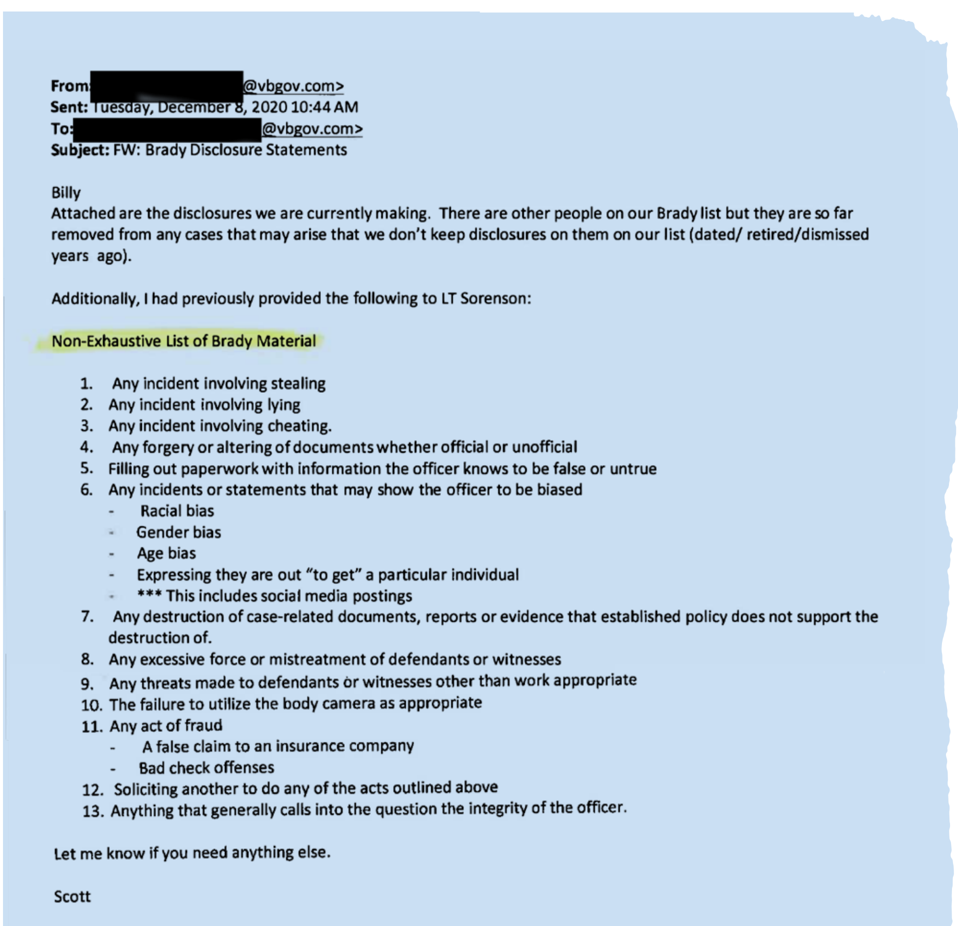
In the remaining 31 states, there is silence – no statute, binding directive, or even statewide guidance. Prosecutors have ultimate and unchecked discretion, and their successors can (and do) reverse and amend policies at will. Any protection an officer has exists at the pleasure of the office that listed him.

Reviewing the documents produced by 50 prosecutors' offices, four types of decision-making structures emerge. First, state-mandated systems, where legislation (as in Colorado, Arizona, Florida, and Washington) or a binding directive (New Jersey) informs what rules prosecutors adopt. Second, committee systems that maintain written criteria and voting. Third, advisory committees, where an internal panel reviews the file and makes a recommendation to the elected prosecutor who maintains ultimate authority. Fourth, a single administrator model where the elected prosecutor or even a line prosecutor has ultimate authority. Many others fail to detail how they decide at all. Some track Brady allegations with a database; others do manual or ad hoc reviews. Nothing guarantees the database is accurate or that the committee's deliberations are thoughtful.

And since very few are regulated, let alone overseen, by state law, what's written on paper does not necessarily translate to actual practice. By and large, Brady List policies are a black box. Fairness or even compliance cannot be demonstrated if the process and execution are opaque or invisible.

This study limits itself to what those offices actually wrote down and assesses what gets a name on the Brady List, who decides, on what evidence, who is told, and whether there is any way off.

It weighs whether prosecutors use reliable evidence, separate referrals from decisions, classify placements proportionately, directly notify officers and provide them an opportunity to respond, give written reasons, correction, periodic review, and an outside forum for serious disputes.



From: [redacted]@vbgov.com>
Sent: Tuesday, December 8, 2020 10:44 AM
To: [redacted]@vbgov.com>
Subject: FW: Brady Disclosure Statements

Billy
Attached are the disclosures we are currently making. There are other people on our Brady list but they are so far removed from any cases that may arise that we don't keep disclosures on them on our list (dated/ retired/dismissed years ago).

Additionally, I had previously provided the following to LT Sorenson:

Non-Exhaustive List of Brady Material

1. Any incident involving stealing
2. Any incident involving lying
3. Any incident involving cheating.
4. Any forgery or altering of documents whether official or unofficial
5. Filling out paperwork with information the officer knows to be false or untrue
6. Any incidents or statements that may show the officer to be biased
   - Racial bias
   - Gender bias
   - Age bias
   - Expressing they are out "to get" a particular individual
   - *** This includes social media postings
7. Any destruction of case-related documents, reports or evidence that established policy does not support the destruction of.
8. Any excessive force or mistreatment of defendants or witnesses
9. Any threats made to defendants or witnesses other than work appropriate
10. The failure to utilize the body camera as appropriate
11. Any act of fraud
    - A false claim to an insurance company
    - Bad check offenses
12. Soliciting another to do any of the acts outlined above
13. Anything that generally calls into the question the integrity of the officer.

Let me know if you need anything else.

Scott

Virginia Beach's Commonwealth's Attorney lists officers for lying and cheating as well as potentially offensive social media posts and the all encompassing, "Anything that generally calls into question the integrity of the officer."

"By and large, Brady List policies are a black box. Fairness or even compliance cannot be demonstrated if the process and execution are opaque or invisible.

COOK COUNTY STATE'S ATTORNEY'S OFFICE

POLICY TITLE: *Brady/Giglio* Policy (REVISED)		
Approved: March 12, 2025	Effective: March 12, 2025	P

A. **Intent**

It is the intent of this policy to ensure that the Cook County State' (CCSAO) takes the necessary steps to meet the discovery obligation and state law and the Illinois Supreme Court Rules so that a criminal test the credibility of the wit...

Do Not Call List

Protocols

NOTE: These protocols are subject to ongoing re-evaluation and enh

ETHICAL DISCLOSURE UNIT – POLICY

PERMANENT "PERM" LIST

Individuals whose general credibility is so impaired as to warrant special review of any case in which the individual may appear as a witness for the prosecution (i.e., the refusal of the State to sponsor the witness) may be placed on the "Perm List." Such government witnesses are no in red on the database. The placement of a government witness on the "Perm List" is made recommendation of the EDU Attorney and upon approval by Bexar County Criminal Di Attorney Joe D. Gonzales, the First Assistant, and the Chief of Litigation. If the Administ decides to include the government witness on the "Perm List", the Administration will pr written notice to the witness's Agency.

Joe D. Gonzales
Bexar County Criminal District Attorney

DANIEL T. SATTERBERG
PROSECUTING ATTORNEY

King County

Office of the Prosecuting Attorney
CRIMINAL DIVISION
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000

King County Prosecuting Attorney's Office *Brady* Committee Protocol

I. Overview

In *Brady v. Maryland,* the United States Supreme Court held that "the suppression by the prosecution of evidence favorable to an accused violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." *Strickler v. Green*, 527 U.S. 263 (1999); *Kyles v. Whitley*, 514 U.S. 419 (1995); *Brady*, 373 U.S. 83, 87 (1963). It is the policy of the King County Prosecutor's Office to strictly adhere to our *Brady* obligations.

This written protocol is designed to achieve this goal, and to foster county-wide uniformity in the way *Brady* issues are resolved. *All King County deputy prosecuting attorneys ...know and follow this protocol and all relevant law concerning Brady obligations.*

Policy Updated: 02/2022

Hamilton County Prosecutor BRADY POLICY

Effective:
Approved:
Joseph T. Deters, Prosecutor

PURPOSE All criminal prosecutors must be aware of and alert defens counsel/defendants to all relevant evidence in a criminal case that is exculpator ensuring compliance with *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny.

CITY AND COUNTY OF SAN FRANCISCO
Brooke Jenkins
District Attorney

OFFICE OF THE DISTRICT ATTORNEY

INTERNAL *BRADY* POLICY

ISSUED: 4/21/2010
REVISED: 8/13/2010
REVISED: 9/30/2016

INTRODUCTION

The following is an "Internal" *Brady* Policy that addresses favorable information in the actual possession of the San Francisco District Attorney's Office, as opposed to favorable information contained in confidential personnel files. This Internal *Brady* Policy covers peace officer witnesses, as well as civilian employees of law enforcement agencies and experts who may be witnesses in criminal cases.

Hillar C. Moore, III
OFFICE OF THE DISTRICT AT
Nineteenth Judicial Distric

BRADY POLICY

Effective Date: 12/07/17
Review: Annual
Reviewer: First Assistant
Last Reviewed: 01/28/2025

I. **THE NATURE OF OUR BRADY OBLIGATION**:- A prosecutor's *Brady* obligation requires disclosure of all exculpatory or impeaching information and evidence that is material to the guilt or innocence or to the punishment of a defendant. Further, Rule 3.8 of the Rules of Professional Conduct specify timely disclosure to defense of all evidence or information known to the prosecutor that the prosecutor knows, or reasonably should know, either tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal. This obligation cannot be delegated and remains with the attorney assigned to the criminal case.

While not all prosecutors' offices have written Brady List policies, most large jurisdictions do have rules in place. These significantly vary in scope and substance.

SECTION 2

INSIDE THE OFFICES

1. Criteria: what puts a name on the list

Forty-two of the 50 systems state their criteria at least in part. Eight others responded with records containing none. Of the 42 offices that provided criteria at all, thirty consider pending complaints, open investigations, unresolved allegations, and issues that might be unknown to the officers themselves.[33] Many criteria reach beyond credibility to include use-of-force complaints, bias allegations, social media activity, and "moral turpitude" — California's San Bernardino County DA office defines it as "a general readiness to do evil."

Others employ open-ended catch-alls that let the office list anything it chooses.[34] Virginia Beach's policy exemplifies the kitchen-sink criteria by including stealing, lying, cheating; forgery; false paperwork; bias of any kind, expressly including social media posts; destruction of case documents; excessive force; threats; failure to use a body camera; fraud down to a bad check; soliciting anyone else to do any of it; and anything that generally calls the officer's integrity into question.[35] Criteria that are so subjective are not criteria but a blanket justification for whatever the office decides.

In most offices, officers can be listed for a mere accusation. In some instances, officers are listed for allegations that were deemed unsubstantiated by the employing agency. An officer is guilty despite being cleared.

Meanwhile, Contra Costa County's policy rejects rumors as a basis while Durham requires "facially credible information" and rules out "mere rumor, unverifiable hearsay or irresolvable conflicts in testimony." Essex County, New Jersey relies on sustained findings and bars placement based on allegations that cannot be substantiated, findings later vacated or overturned, and good-faith mistakes "even in cases where the incident was sustained."[36] That these offices made these rules explicit makes the omission of such criteria by the rest of the offices more glaring.

"Thus the evidence that alleges misconduct **must not be based on mere rumor**, unverifiable hearsay or irresolvable conflicts in testimony resulting from differing memories of the event. The standard of proof for disclosure of information shall be the "substantial information" standard. "Substantial information" is defined as facially credible information that might reasonably be deemed to have undermined confidence in a later conviction in which the law enforcement employee is a witness. In sum, there must be substantial information of a triggering event or sustained findings in an Internal Affairs (IA) investigation before unrelated case material rises to the level of Brady/Giglio material."

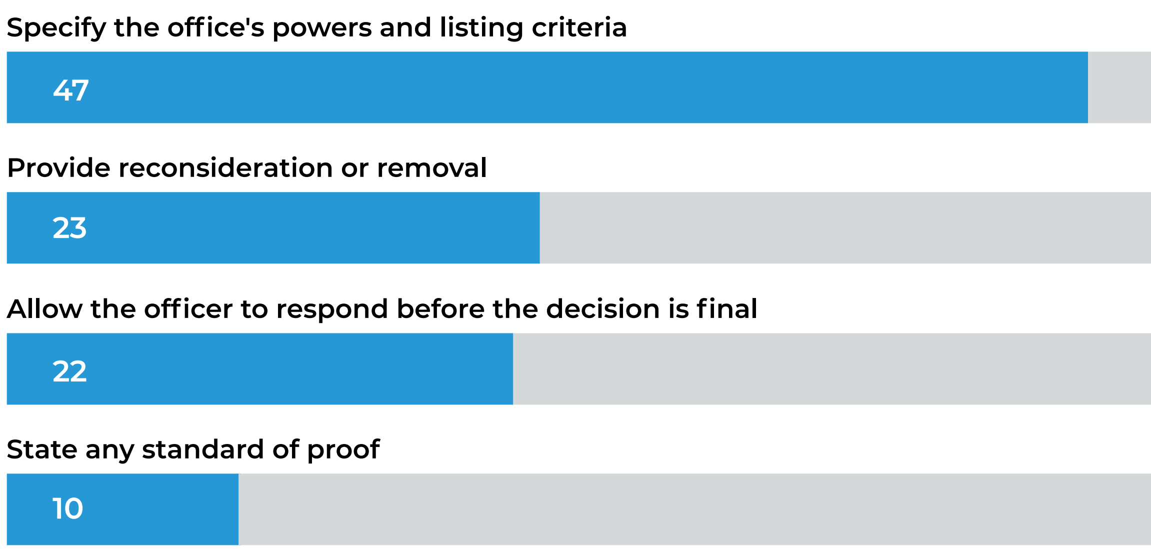
– Durham County District Attorney's Office, Policy on Disclosure of Giglio/Brady Material, Issued August 2019

2. Decision-making authority: who decides

Twenty-four office policies create a multi-member decision committee. In others, a single elected prosecutor decides alone. But committee review is only as fair as its rules, and they vary widely. Denver, Colorado specifies a quorum of three including at least one attorney, a majority vote, a named secretary, and a written record of decisions — and then provides that its committee's advisory discussions will deliberately not be recorded. Harris County, Texas requires six or more prosecutors be present. Virginia Beach's protocol lets a single member's vote open an inquiry and forbids closing one until an absent member has voted. Bernalillo County uniquely staffs its Giglio Panel with senior personnel chosen to be independent of those investigating the complaint.[37]

Mecklenburg County, North Carolina's voting rules default to disclosure (i.e., listing the officer), stating a "decision to disclose Brady / Giglio material must be made by a majority of the Committee members. A decision not to disclose potential Brady / Giglio material must be unanimous."[38] That committee votes on an anonymized summary of the complaint, not the full file, and will not even interview the officer. Norfolk, Virginia's Commonwealth's Attorney wrote that he holds the "sole decision-making authority" to add or remove a Brady designation — no written policy, no criteria beyond the constitutional test itself, and an appeal that consists of asking him, through counsel, to look again.[39] A second look by the same official is not a fair review. It is a request that the original decision-maker change his mind. Those two approaches — one requiring a unanimous vote to clear the officer and the other bestowing unilateral power — typify the arbitrary and often unjust nature of Brady listing decisions.

FIGURE 3. FIFTY OFFICES: WHAT THE WRITTEN RECORDS PROVIDE



Forty-seven of the 50 records specify the office's powers and criteria governing the list to some extent. Only ten specify which standard of proof they apply. Twenty-two allow any type of response from the officer before finalizing the decision. Among those, only six guarantee it. Another twenty-three provide reconsideration but none offer outside review.

Source: LELDF analysis of 50 prosecutors' offices Brady List policies, as of 2026.

FIGURE 4.
HOW BRADY LISTS WORK

The 8 decisions that determine if an officer is put on the Brady List.

The broken system is prone to arbitrary, retaliatory, and plain incompetent decisions by unchecked officials. It is susceptible to abuse and injustice.

As Brady rules are applied, police officers have fewer rights than defendants.

1 **What triggers a listing?**	Sustained discipline	Charges or convictions	Unsustained or pending allegations
2 **Who makes the decision?**	Committee reviews and votes	Committee recommends, DA decides	Sole authority (e.g., elected DA or line prosecutor)
3 **What conduct qualifies?**	Dishonesty (perjury, fraud, cheating)	Force or bias, incl. social media	Anything the office chooses
4 **What proof is required?**	Clear and convincing	Preponderance of evidence	No standard stated
5 **Who receives notice?**	The officer	Only the employing agency	No one tells the officer
6 **When is notice given?**	Before discovery	During discovery	After — once it is final
7 **Can the officer respond?**	Yes — before the decision	The policy is silent	No — expressly none
8 **Can the officer appeal?**	Time-limited expiry	Petition the DA directly	No outside appeal

Source: LELDF analysis of 50 prosecutors' offices Brady List policies, as of 2026.

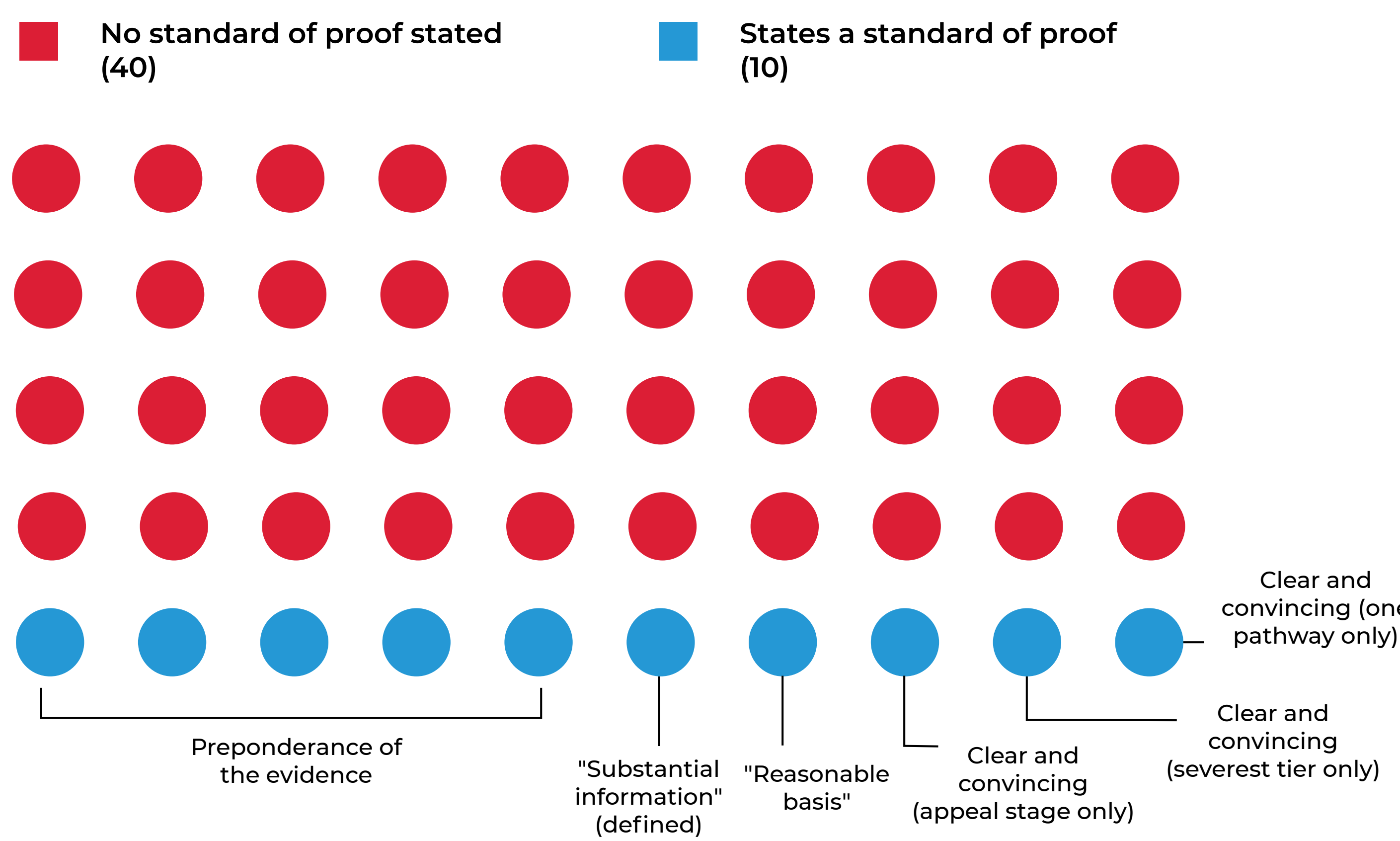
3. Evidence and review procedures: on what proof

Only ten of the 50 systems state any standard of proof. Forty do not say how strong the evidence must be before a name goes on the list.[40] Only a handful insulate the reviewer from the investigator or complainant in any way; the rest leave the reviewer inside the office whose information triggered the review.[41] Some offices manage to invert the burden entirely. Los Angeles' only standard of proof applies to its appeal process, not placement, requiring "clear and convincing evidence and changed circumstances" for removal.[42] As in most jurisdictions, it is harder to get off the list than to be placed on it.

There are exceptions to the no-to-low standard of proof norm. Denver defines a "sustained finding" as one proven by a preponderance of the evidence – a definition stricter than the state requires. Contra Costa and Alameda apply the same preponderance standard through specific presumptions tied to the employing agency's own disposition language. Findings "not sustained, exonerated, or unfounded" presumptively fail; sustained moral-turpitude findings presumptively suffice; an arbitrator's later reversal can rebut the presumption.[43] Baltimore City's Do Not Call protocol goes further than any other local office: its abuse-of-authority pathway requires proof "by clear and convincing evidence," and its "Decay Factor" generally excludes conduct more than ten years old — though its second pathway reaches officers merely charged with crimes falsely, pending adjudication.[44] Others like Miami-Dade, which provided an informal response to our request by email, specified it had no written policy at all.[45]

The Justice Department maintains a national Giglio policy but it is a disclosure policy: it tells federal prosecutors what must be turned over. It does not tell the ninety-three U.S. Attorney's Offices how to run the tracking systems they build to comply, and so each district builds its own.

FIGURE 5. WHAT PROOF DOES IT TAKE TO LIST AN OFFICER?



Source: LELDF analysis of 50 prosecutors' offices Brady List policies, as of 2026.

> To reiterate, although there is a presumption that impeachment information in the Lewis database should be disclosed, that determination needs to be made on a case-by-case basis applying the applicable law to the facts of your case. Furthermore, the subject officer will not necessarily know that s/he currently is flagged as "see supervisor." It is a common occurrence, for example, that an officer is flagged for an excessive force investigation in which we are participating, yet the investigation is promptly resolved in the officer's favor. We often will not inform the officer about these circumstances either to protect the integrity of the investigation or because we do not want to create a bias and motive to curry favor with the government when none otherwise might exist. For the same reason, under no circumstance should an AUSA tell an officer that he or she is flagged as "see supervisor" on the Lewis list or that the officer otherwise is "on" the Lewis list, without first obtaining supervisory approval before making such a disclosure. To the extent an officer has a question concerning his or her Lewis status, you should refer the officer to a supervisor.

Memo, "Allegations of Misconduct Involving Members of Law Enforcement,"
United States Attorney for the District of Columbia, November 4, 2016

The U.S. Attorney's Office for the District of Columbia built the "Lewis List." It is more extreme than any other office we reviewed: as a rule the office does not tell the DC police department when its officers are flagged, let alone the officer.[46] At one point, the policy stated in bold and underlined text, "under no circumstances" should an [Assistant US Attorney] tell an officer he or she is flagged as "see supervisor" on the Lewis list, or that the officer is otherwise "on" the Lewis list, "without first obtaining supervisory approval before making such a disclosure."[47]

Although the office applies the commendable "clear and convincing" evidence standard to its severest designation — the "Do Not Sponsor" tier — the entry-level flag carries no standard at all, and the criteria it specifies are nebulous at best. The test includes eight factors — two of which aren't evidentiary at all: the strength of the government's future litigating position, and whether sponsoring the witness "will adversely reflect upon the reputation" of the office.[48]

4. Notice: who is told, and when

Thirty of the 50 systems notify the officer at some point. Twenty never do — eight place the officer before telling him, or say the notice goes elsewhere, and twelve do not specify.[49] Most either never notify the officer or inform him only after the decision is final. Only twenty-two systems accept any officer input before the decision is final, and only six guarantee written pre-decision notice unconditionally. Some systems route notice through the officer's employer rather than the officer, so the government tells the government and the officer's rights depend on his own agency forwarding the letter. Arizona and Georgia wrote that procedure into their statutes. Bexar County wrote it into its policy, which notifies the employing agency but not the officer.[50] The US Attorney's Office for DC's federal Lewis List instructed prosecutors that, under no circumstance, should an officer be told he had been flagged without prior supervisory approval.[51] Secrecy is the policy. The office's current charter flags an officer silently first; written notification, with the stated clear-and-convincing standard, the eight-factor test, and a written reconsideration path, arrives only at the final "Do Not Sponsor" stage — real procedure, attached at the point when the outcome is hardest to undo.[52]

But providing notice ahead of time and directly is both desirable and very doable. Virginia Beach produced an officer's actual notice letter. Its protocol gives the officer fourteen days to respond with a summary of the material supplied, thirty days by certified mail if he has left the force, with an investigator assigned to verify the address.[53] Virginia Beach voluntarily gives its officers something like the process Virginia law reserves for decertification — and the state's other offices in this study show how rare that choice is.

King County gives officers twenty days, and Santa Barbara gives thirty, extendable to six months. Multnomah County's process is one of the most robust: giving officers written notice that a review is pending, the right to submit materials, and the right to appear before the committee in person before it votes.[54]

In some cases, an officer's status emerges in discovery. Where a policy provides no notice at all, the designation might surface for the first time during court proceedings, when a prosecutor is making Brady disclosures to defense counsel. That is less a fair process than a career-killing afterthought.

FIGURE 6. THE NOTICE FUNNEL

Source: LELDF analysis of 50 prosecutors' offices Brady List policies, as of 2026.

5. Appeal, reconsideration, and removal: the way off

Twenty-three of the 50 systems offer reconsideration or removal, but all of them let the prosecutor's office that made the listing make the redetermination itself. Twenty-seven expressly disallow any appeal or say nothing. Where an officer can reach an outsider with that power, it is only because it is law (i.e., Iowa's petition to the district court, New Hampshire's superior court petition allowance, and Georgia's certification-council review).

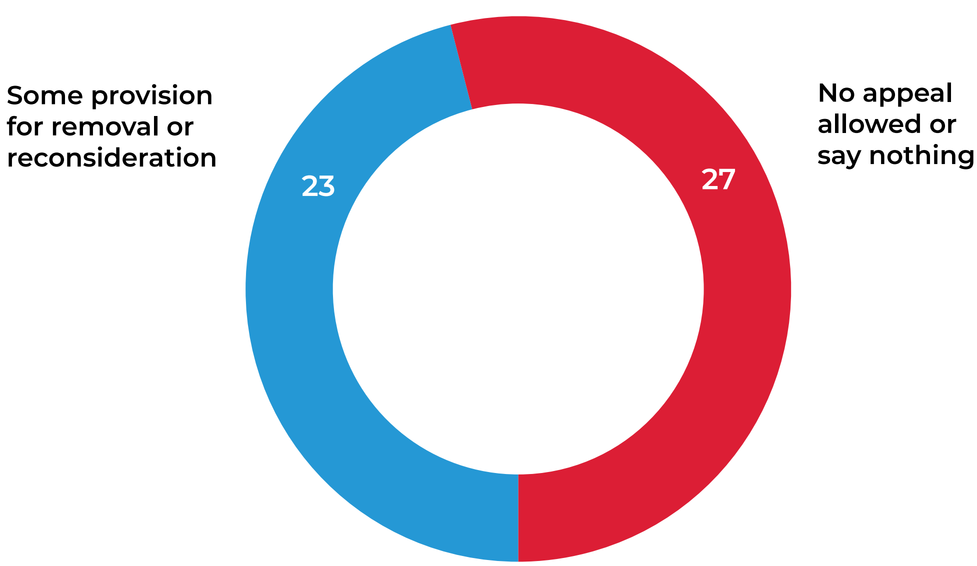
Fairfax County provided 39 pages of documents, including the handbook from an activist group (the Justice Collaborative) run by a consultant to progressive prosecutors. That same group helped designed the policies in other jurisdictions including Austin, Texas and Orlando, Florida. That handbook recommends a series of apparently robust policies including checks and balances before making a listing. Then it undercuts those reforms by recommending the ultimate say be reserved to the elected prosecutor.[55] That makes due process is performative while the carve-out lends itself to petty and vindictive actions as occurred in Fairfax in 2021 (see inset).

Where a paper right to removal does exist, the fine print matters. Pima County's protocol devotes eleven words to the subject: "Removal of an Officer may occur when deemed necessary and lawful" — no criteria, no process, no timeline, no decision-maker.[56] Bexar County's is one sentence longer and one person wide: officers on either of its lists "may only be removed at the written direction of" the elected District Attorney, personally and by name. A meaningful review system says when correction is owed — when the underlying finding is reversed, expunged, or vacated; when new evidence changes the factual basis; when the officer was misidentified; when an investigation closes without a sustained finding — and it says who bears the burden and what standard governs. "The prosecutor may reconsider at any time" is discretion, not a right.

In the typical system, the same office receives the complaint, investigates it, decides the listing, hears the reconsideration, and controls removal. The office acts as the accuser, investigator, judge, and court of appeal, all in one. That does not constitute a truly independent appeal.

But that at least one office has each of the key elements outlined in the 10 principles shows that adhering to a basic system of due process built on firm rules, diligently applied and executed in good faith is possible. But not one office achieves all of them, and most craft and implement their policies so haphazardly that there is little proof they adhere to them consistently. It's aspirational instead of being a guarantee of due process.

FIGURE 7. WHICH SYSTEMS OFFER A WAY OFF THE BRADY LIST



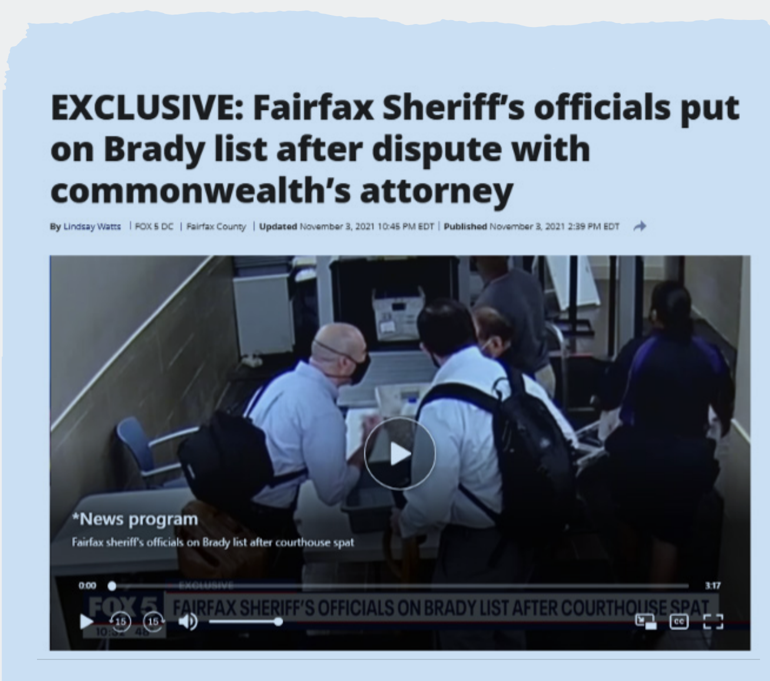
Source: LELDF analysis of 50 prosecutors' offices Brady List policies, as of 2026.

Fairfax Prosecutor Weaponizes the Brady List

In September 2021, the elected Commonwealth's Attorney for Fairfax County, Virginia Steve Descano and his chief deputy Kyle Manikas were returning from lunch when they were stopped by security trying to enter through a senior staff entrance. The Courthouse was screening everyone – including those normally exempt like prosecutors. Mr. Descano and Mr. Manikas became visibly upset and after they passed through security appeared to continue to berate the private security personnel manning the checkpoint. Mr. Descano threw his umbrella into an X-ray machine and gesticulated wildly, allegedly shouting and using profanities. At one point, the security guards alleged Mr. Descano told them, "This is bullsh-t. Don't you know who I am? I'm the top law enforcement officer in Fairfax County." (The incident was caught on video but lacked audio.) A knife was found in Mr. Manikas' bag. When the incident was reported to the county sheriff's office, which oversees courthouse security, the prosecutors refused to be interviewed, and two sheriff's deputies wrote a report. They declined to pursue charges but wrote, "Both Attorneys demonstrated behavior unsuited for an officer of the court." Mr. Descano apparently took umbrage that the incident was made public and widely reported

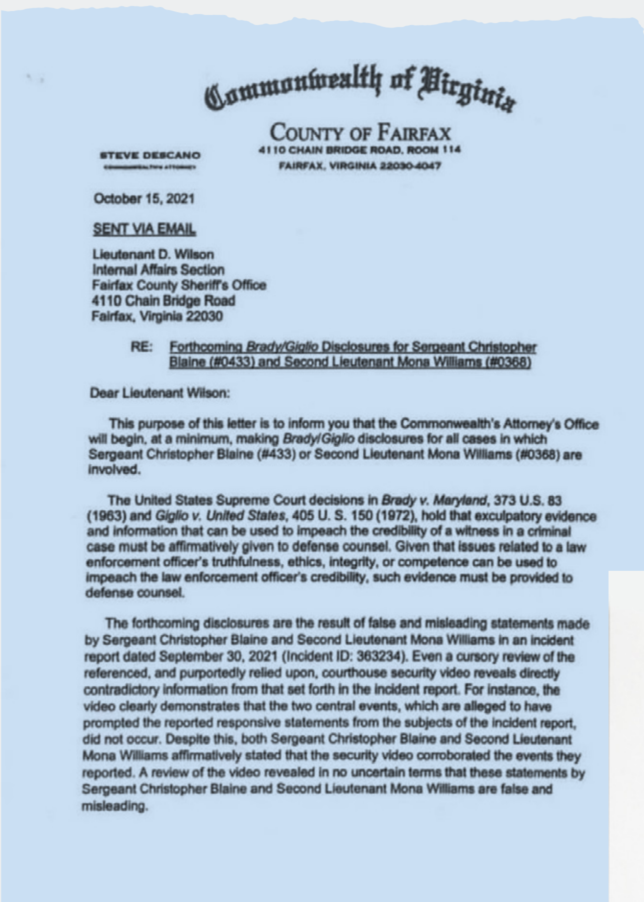
"Don't you know who I am? I'm the top law enforcement officer in Fairfax County."

– Steve Descano, Fairfax County, Virginia Commonwealth's Attorney


EXCLUSIVE: Fairfax Sheriff's officials put on Brady list after dispute with commonwealth's attorney

By Lindsay Watts | FOX 5 DC | Fairfax County | Updated November 3, 2021 10:45 PM EDT | Published November 3, 2021 2:39 PM EDT

Extensive local media coverage of the court house incident included airing the security camera footage. Days afterward, Descano placed the sheriff's employees (who were not involved in the confrontation) on the Brady list. (Credit Fox5DC/ Lindsay Watts) by the local media. His office issued a memo declaring that the credibility of the two supervisors who wrote that unflattering report was now an issue that must be disclosed to defense counsel under Brady/Giglio obligations, because their report was "false and misleading." The sheriff's office conducted an internal affairs investigation that found the allegations against the officers unfounded and supported their account. Despite that, both remain on the Brady List in Fairfax County — and presumably will until Mr. Descano no longer has sole authority to determine their status.[57]



Commonwealth of Virginia

COUNTY OF FAIRFAX
4110 CHAIN BRIDGE ROAD, ROOM 114
FAIRFAX, VIRGINIA 22030-4047

STEVE DESCANO
COMMONWEALTH'S ATTORNEY

October 15, 2021

SENT VIA EMAIL

Lieutenant D. Wilson
Internal Affairs Section
Fairfax County Sheriff's Office
4110 Chain Bridge Road
Fairfax, Virginia 22030

RE: Forthcoming *Brady/Giglio* Disclosures for Sergeant Christopher Blaine (#0433) and Second Lieutenant Mona Williams (#0368)

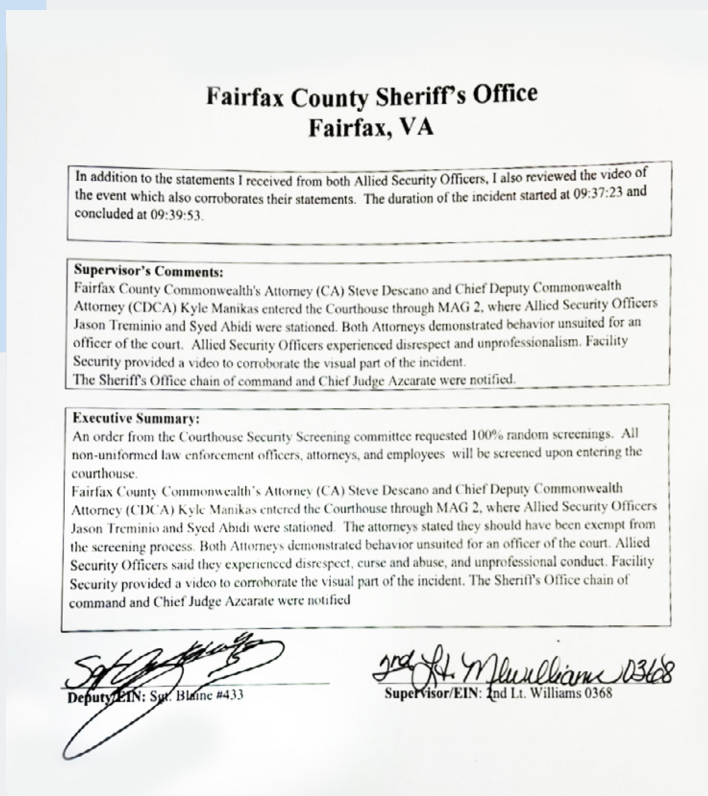
Dear Lieutenant Wilson:

This purpose of this letter is to inform you that the Commonwealth's Attorney's Office will begin, at a minimum, making *Brady/Giglio* disclosures for all cases in which Sergeant Christopher Blaine (#433) or Second Lieutenant Mona Williams (#0368) are involved.

The United States Supreme Court decisions in *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U. S. 150 (1972), hold that exculpatory evidence and information that can be used to impeach the credibility of a witness in a criminal case must be affirmatively given to defense counsel. Given that issues related to a law enforcement officer's truthfulness, ethics, integrity, or competence can be used to impeach the law enforcement officer's credibility, such evidence must be provided to defense counsel.

The forthcoming disclosures are the result of false and misleading statements made by Sergeant Christopher Blaine and Second Lieutenant Mona Williams in an incident report dated September 30, 2021 (Incident ID: 363234). Even a cursory review of the referenced, and purportedly relied upon, courthouse security video reveals directly contradictory information from that set forth in the incident report. For instance, the video clearly demonstrates that the two central events, which are alleged to have prompted the reported responsive statements from the subjects of the incident report, did not occur. Despite this, both Sergeant Christopher Blaine and Second Lieutenant Mona Williams affirmatively stated that the security video corroborated the events they reported. A review of the video revealed in no uncertain terms that these statements by Sergeant Christopher Blaine and Second Lieutenant Mona Williams are false and misleading.

Commonwealth's Attorney Steve Descano's office issued a Brady list notification to the Sheriff's department after the report and footage went public. It was signed by Kyle Manikas, Descano's top deputy who was involved in the incident and possessed a knife.



Fairfax County Sheriff's Office
Fairfax, VA

In addition to the statements I received from both Allied Security Officers, I also reviewed the video of the event which also corroborates their statements. The duration of the incident started at 09:37:23 and concluded at 09:39:53.

Supervisor's Comments:
Fairfax County Commonwealth's Attorney (CA) Steve Descano and Chief Deputy Commonwealth Attorney (CDCA) Kyle Manikas entered the Courthouse through MAG 2, where Allied Security Officers Jason Treminio and Syed Abidi were stationed. Both Attorneys demonstrated behavior unsuited for an officer of the court. Allied Security Officers experienced disrespect and unprofessionalism. Facility Security provided a video to corroborate the visual part of the incident.
The Sheriff's Office chain of command and Chief Judge Azcarate were notified.

Executive Summary:
An order from the Courthouse Security Screening committee requested 100% random screenings. All non-uniformed law enforcement officers, attorneys, and employees will be screened upon entering the courthouse.
Fairfax County Commonwealth's Attorney (CA) Steve Descano and Chief Deputy Commonwealth Attorney (CDCA) Kyle Manikas entered the Courthouse through MAG 2, where Allied Security Officers Jason Treminio and Syed Abidi were stationed. The attorneys stated they should have been exempt from the screening process. Both Attorneys demonstrated behavior unsuited for an officer of the court. Allied Security Officers said they experienced disrespect, curse and abuse, and unprofessional conduct. Facility Security provided a video to corroborate the visual part of the incident. The Sheriff's Office chain of command and Chief Judge Azcarate were notified

Deputy/EIN: Sgt. Blaine #433

2nd Lt. M Williams 0368
Supervisor/EIN: 2nd Lt. Williams 0368

Fairfax County Sheriff's Department report regarding the court house security checkpoint incident involving Commonwealth's Attorney Steve Descano. The officers involved were later cleared by an internal investigation.

6. No one is watching: Brady Lists Lack Oversight and Accountability

The most striking thing about the 50 policies isn't the contents but what's missing: any outside review or audit of the system itself. There are no external checks on the offices' actions.[58] Thirty-eight are silent on the issue while the twelve that say anything promise transparency, not oversight: Colorado's offices must review their own policies every four years and link to the state's credibility-disclosure database. Bernalillo County makes its list public (partially). Unlike most government systems, there are no audits of how the process is actually working or reviews for outdated or inaccurate information. There is no inspector general looking over their shoulders. That's especially troubling considering these prosecutors have the unchecked power to blacklist and the entire process is in a black box.

FIGURE 8. THE 50 OFFICES AGAINST THE TEN PRINCIPLES

PRINCIPLE	YES	PARTIAL	NO
Written, public rules	31	15	4
Evidence-based determinations	18	28	4
Deliberative review	9	18	23
Written reasons, prompt notification	7	21	22
Proportionate, tiered disclosure	7	16	27
Reconsideration and look-back	7	16	27
Pre-placement notice and input	5	16	29
Clear and convincing criteria	0	24	26
Independent appeal and removal	0	15	35
Oversight and audits	0	12	38

Source: LELDF analysis of 50 prosecutors' offices Brady List policies, as of 2026. This assessment scores each office's policies against the 10 reform principles. Every office meets, at least partially, one of the 10 principles but none meet all 10. NB: The lack of a clear policy is considered NO for scoring purposes.[59]

4.

The Scarlet Letter: Faces of Brady Lists

The Scarlet Letter: Faces of Brady Lists

In Sparks, Nevada, a suburb of Reno, an on-duty police officer walked into a store to return a broken coffee maker.[60] The internal affairs division of the Sparks police department launched an investigation into "Officer Doe" and concluded that Doe's actions constituted "neglect of duty" and "promotion of integrity" violations. After receiving an opinion from the city attorney, the department notified the Washoe County District Attorney and the US Attorney's office in order to include Doe on their respective Brady lists. In 2016, Doe and the police union sued but a federal district judge dismissed their request for a temporary restraining order to stop Doe's listing since their inclusion "serve[d] the public interest" to "comply with the requirements of *Brady* and *Giglio*."

Doe's petty infraction of running an errand on the clock landed them on the Brady List and effectively ended their law enforcement career. Trivial and tangential misconduct can result in a listing, allowing bureaucratic systems to override common sense. With few guidelines and broad discretion, prosecutorial agencies can and do weaponize Brady listings and retaliate against law enforcement officers out of spite. Agencies also apply these malleable rules unevenly and unfairly out of vindictiveness, incompetence, or whim. These are some of those cases.

CORY NOVICK

- D.C. Metropolitan Police
- U.S. Marshals Service

BRADY-LISTED BY:

U.S. Attorney's Office for D.C.

ACTIVE DESIGNATION, EMPLOYMENT TERMINATED, ONGOING LITIGATION

On the night of October 23, 2020, D.C. police officers Terence Sutton, Andrew Zabavsky, and **Cory Novick** pursued a fleeing suspect on a moped through an alley. The suspect crashed into oncoming traffic and later died. After political protests and the urging of a member of the city council, federal prosecutors charged Sutton with second-degree murder and Zabavsky with obstruction. Novick was never charged and testified multiple times as a government witness in the case. But prosecutors were seemingly unsatisfied with his testimony as his account did not fully support the prosecution's theory of the case.[61]

While the government still secured convictions against Sutton and Zabavsky, they displayed resentment against Novick for his less than favorable testimony and even claimed he had been "impeached" (i.e., found not credible). The judge rejected the prosecutor's claims. Novick had testified truthfully.

President Trump later pardoned Sutton and Zabavsky in January 2025, and the Metropolitan Police Department reinstated both officers with back pay.[62]

But Novick, who left the DC police department and joined the US Marshals Service in June 2023, received no such reprieve. The US Attorney's office had seemingly not forgotten that Novick's inconvenient testimony undermined them. They quietly placed the newly minted and probationary federal agent on the "Lewis List," the District's own Brady/Giglio registry. They did not tell him, they did not let him respond or see the evidence against him or who made the decision and how. Novick only learned that he was on the list and why when he was summarily fired by the Marshals Service in March 2024.[63]

Novick, with the support of the Law Enforcement Legal Defense Fund, is seeking to be reinstated.

Cory Novick was first notified of his Lewis List placement when he was terminated by the US Marshals Service. As a probationary employee, USMS did not have to provide any explanation but did. Novick is now suing to be reinstated.

U.S. Department of Justice

United States Marshals Service

District of Columbia Superior Court

Washington, DC 20001

March 22, 2024

MEMORANDUM TO: Cory Novick
Deputy United States Marshal

FROM: Robert A. Dixon
United States Marshal

SUBJECT: Termination During Trial Period

This letter is to inform you that effective close of business today, you will be terminated from your position as a Deputy United States Marshal (DUSM), Criminal Investigator, GL-1811-07, Step 1, with the United States Marshals Service (USMS) and from the Federal Service, for failure to meet a condition of employment.

The *Lewis* Committee's decision was based on your sworn trial testimony in *United States v. Terrence Sutton et. al.,* 21-cr-598 (PLF), where you testified for the government and the defense while still employed with the District of Columbia Metropolitan Police Department. In your trial testimony, you disavowed your prior sworn grand jury testimony, and your trial testimony was deemed not credible. As a result, the USAO will not sponsor you to be a witness in any cases handled by their office.

As a condition of your employment, during your trial period, your performance, conduct, and integrity are observed and assessed to determine whether your appointment will be converted to a career appointment for a permanent position. Your lack of credibility as summarized above, adversely impacts your ability to testify in court under *Giglio v. United States*, 405 U.S. 150 (1972). Accordingly, you are being terminated during your trial period, effective close of business, today.

TRAVIS HAMILTON

Johnston Police Department, Iowa; formerly Boone PD

BRADY-LISTED BY:

Polk County Attorney

- **LEARNED OF LISTING FROM A REPORTER; RESIGNED; BECAME A REFORM ADVOCATE**

In April 2019, a reporter knocked on **Travis Hamilton**'s door and asked him about being on the Polk County Attorney's Brady list. That knock was the first Hamilton had heard of it. No notice. No statement of reasons. No evidence file. No instructions for how to respond. A career-altering government judgment reached the press before it reached the officer it was about.

Hamilton, a nearly twenty-year veteran, believed the listing traced back to his 2003 departure from the Boone Police Department, where he had been accused of inaccurate reporting, an improper search, and unprofessional remarks toward an arrested person — allegations he disputed, and which had never been explained to him in this new context. A records request to the county turned up eleven officers' names but no reasons attached to any of them. When Hamilton asked for an updated list later, the office told him no such list existed at all.

Unable to clear his name or get a straight answer, Hamilton resigned from the Johnston department. Later agencies, he says, would not hire him because of the unresolved designation hanging over his file. He spent the next three years lobbying the Iowa legislature. His advocacy helped produce the state's 2021 Brady-Giglio reform law — the same law that, five years later, another Iowa officer would use to clear his own name.[64]

JASPER MCDONALD

Wilson County Sheriff's Department, Texas

BRADY-LISTED BY:

81st Judicial District Attorney

- **TWO JOB OFFERS RESCINDED; FEDERAL LAWSUIT DISMISSED**

Jasper McDonald's case shows how a Brady label can travel even after the law says the underlying record should have disappeared. McDonald had been acquitted in an earlier criminal matter and obtained a court order requiring the record expunged — returned, deleted, or destroyed. Years later, he was offered a lieutenant's position with the Wilson County Sheriff's Office, reportedly worth about $75,000 with a take-home vehicle. According to his federal complaint, District Attorney Audrey Gossett Louis and an investigator from her office sent the supposedly expunged material to his prospective employer and described McDonald as being on a Brady list. The sheriff's office withdrew the offer.

McDonald later pursued a position with the Texas and Southwestern Cattle Raisers Association, a private law-enforcement-adjacent employer. His suit alleges the same district attorney's office repeated the same conduct — transmitting the same expunged material or the same Brady characterization — and the second offer was pulled as well.

None of these allegations have been proven at trial, and the named officials have raised immunity and other defenses. But the pleaded facts identify exactly the kind of failure a responsible system is built to prevent: before a listing or a disclosure flag ever leaves an office and lands on a prospective employer's desk, someone should have to check whether the underlying record still legally exists at all. A database entry can be corrected. A rescinded job offer and a reputation now circulating between agencies cannot be un-rung nearly as easily.[65]

DANIEL CORBO

East Pikeland Township Police Department, Pennsylvania

BRADY-LISTED BY:

Chester County District Attorney

CASE REMANDED FOR FURTHER PROCEEDINGS

In 2015, **Daniel Corbo** forwarded a law enforcement bulletin to a former girlfriend, who then sent it on to the person named in it. County detectives investigated, and prosecutors concluded Corbo made inaccurate statements about the timing and manner of the disclosure. Corbo acknowledged some inaccuracies but disputed the office's characterization of them. In 2020 — five years after the incident — the office notified him that he ordinarily would not be called as a witness for two years, with an option to seek reinstatement afterward. The parties later disagreed about whether that arrangement was ever actually lifted.

A trial court dismissed Corbo's due-process complaint before any facts were developed. In April 2025, the Pennsylvania Commonwealth Court reversed, drawing a distinction that matters well beyond this one case: a prosecutor's decision not to call an officer in a single case is not the same thing as a standing, cross-the-board blacklist. Because testifying is central to police work, the court held, a categorical designation can inflict real damage to employment and reputation — and Pennsylvania's constitution, which explicitly protects reputation, entitled Corbo to try to prove his claim. The court was blunt that sending an officer back to the same official accused of blacklisting him is not a hearing.

Corbo has not won a final ruling that his listing was wrong. He won the right to try to prove it. The distinction the court drew is the one this report returns to throughout: calling a system "discovery management" does not make it harmless when what it actually does is end a career.[66]

JULIE EGEA

Phoenix Police Department, Arizona

BRADY-LISTED BY:

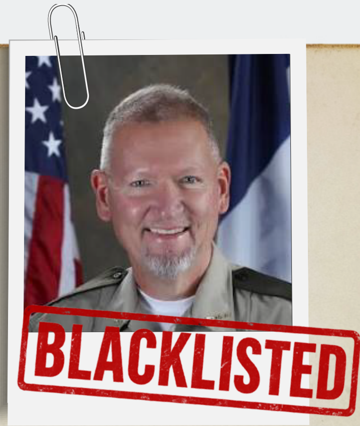
Maricopa County Attorney

REMOVED AFTER TWO DECADES

Julie Egea's case shows both how long an old designation can follow an officer and what a working removal process looks like when a state actually builds one. In 2003, during a Phoenix police training seminar, Egea signed the attendance roster on behalf of her husband — twice — believing he would attend. He didn't. An internal investigation flagged the conduct, and Egea was placed on the county's Brady list. She was not the only officer connected to that seminar's attendance issues; she says she and her husband were the only ones listed.

The designation sat on her file for roughly two decades while Egea's career continued — she eventually reached 29 years of service and the rank of commander. Only after Arizona enacted a statutory notice-and-reconsideration process did she have a real avenue to challenge it. Her petition argued the conduct was old, that it didn't reflect the kind of dishonesty relevant to courtroom credibility, that officers in comparable situations had been treated differently, and that her subsequent record spoke for itself. In October 2024, the Maricopa County Attorney's Office agreed and removed her name.

People can reasonably disagree about how serious it is to sign someone else's name on a sign-in sheet. That disagreement is exactly why a real process matters: it forces the office to write down the act, the intent behind it, the evidence, how comparable cases were handled, and whether any of it still matters twenty years later. Egea's case proves a list doesn't have to be a one-way street — but only where the law requires the office to look back.[67]



BART RICHMOND

Jefferson County Sheriff, Iowa

BRADY-LISTED BY:

Jefferson County Attorney

REMOVED BY COURT ORDER; IOWA SUPREME COURT AFFIRMED

Bart Richmond's case is the one that tested whether Iowa's reform actually works. In April 2024, a Jefferson County sheriff's deputy was captured on body camera shoving a handcuffed DUI suspect's head against a car trunk during a traffic stop in Fairfield. County Attorney Chauncey Moulding opened an inquiry into how the sheriff's office was handling the matter — and the dispute quickly became less about the deputy's conduct and more about Richmond himself. Moulding asked for the department's use-of-force policy; Richmond initially balked and asked Moulding to go through him directly. Moulding later demanded internal disciplinary records, which Richmond declined to hand over, citing personnel-privacy concerns. Moulding scheduled a "list placement interview," refused to move it to accommodate Richmond's lawyer, and when Richmond joined only by video and declined to turn on his camera, Moulding treated that, too, as evidence of a credibility problem.

In June 2024, Moulding placed Richmond on the county's Brady-Giglio list, citing concerns about his "judgment, credibility, candor, and truthfulness" — not any claim that Richmond had lied about the underlying use-of-force incident itself. Moulding then sent notice of the listing to state and federal law enforcement and prosecutorial offices across Iowa, effectively publishing it well beyond the county line.

Richmond used Iowa Code § 80F.1 to petition for judicial review. A district court judge conducted an in-camera review and found that while Richmond had not been fully forthcoming during the dispute, his conduct did not amount to dishonesty — and ordered him removed from the list. Moulding appealed, arguing that letting a judge second-guess a Brady listing intruded on prosecutorial authority and even threatened defendants' own Brady rights. On May 1, 2026, the Iowa Supreme Court disagreed, unanimously. The state's high court held that judicial review of a listing does not touch a prosecutor's separate, ongoing duty to disclose evidence in any actual case — the two obligations coexist without conflict. Richmond's attorney, Charles Gribble, put the stakes plainly afterward: without a law like Iowa's, a county attorney can act "as prosecutor, trial court judge and appellate court judge" over the same designation, with no one able to overrule a mistake.[68]

TWO MORE COURTS, TWO MORE OUTCOMES

Not every case fits neatly into a profile, but two more court decisions round out the national picture. In New Jersey, a prosecutor decided a former officer's record raised credibility problems serious enough that he could not be used as a witness; the municipality then declined to rehire him off a reemployment list. In 2023, the Appellate Division largely sided with the government — a reminder that a witness-credibility finding can become an employment bar even when the officer frames the fight as a personnel dispute rather than a Brady dispute.[69]

Louisiana produced the most restrictive rule of all. Manuel Adams, an eighteen-year Harahan police captain with an unblemished record, was disciplined in 2019 for conduct including an alleged false statement, and the police department notified the Jefferson Parish District Attorney's office before Adams had even exercised his right to appeal the discipline internally. The DA's office placed him on its Giglio list. Adams argued the listing branded him a liar and effectively ended his law-enforcement career. In 2024, the Fifth Circuit acknowledged that an occupational-liberty interest could exist in principle — but held Adams hadn't pleaded facts showing the listing had "completely prevented" him from working in law enforcement anywhere, ever. Near-impossible was not enough; he needed to show it was, in fact, impossible.[70]

The National Police Association asked the Supreme Court to take the case, arguing that Giglio lists nationwide lack any due-process check and can end careers on the basis of untested accusations. The Court denied certiorari on October 7, 2024.[71] The Fifth Circuit's standard stands: an officer may have to collect a stack of documented rejections before a federal court will call the harm real. By the time that stack exists, the process has already failed the officer it should have protected.

Line these cases up and the pattern is a lottery, not a system. Iowa lets an officer take the dispute to a judge. Pennsylvania lets some officers litigate the process itself. The Fifth Circuit demands near-total career destruction before it will even look. New Jersey lets a credibility finding follow an officer into a rehiring decision. Arizona provides a path back, eventually, if the officer is persistent enough to use it. The same designation — the same three words, "Brady list officer" — can be reviewable or final, public or secret, temporary or permanent, survivable or career-ending, purely depending on which prosecutor's office drew the line. No defendant's due-process right requires that kind of inconsistency for the officer on the other side of the courtroom.

5.

The Way Forward: Ten Principles to Ensure Due Process

The Way Forward: Ten Principles to Ensure Due Process

Three conclusions follow from the 50 offices and fifty states this report examined.

First, the problem is real and it is structural. These offices are built front-to-back to move information and attach labels — and built almost nowhere to test evidence, explain decisions, or correct mistakes. Broad criteria, unstated proof, internal review, late or absent notice, and no exit are not fifty accidents. They are what any system looks like when one office acts as the accuser, investigator, judge, and court of appeal.

Second, the fix does not touch disclosure. Not one reform in this report delays or narrows what a defendant receives. Iowa's Supreme Court said it plainly: a court can order a name off a standing list while the prosecutor remains free — and constitutionally bound — to disclose material evidence in every case that requires it. Anyone who claims officer due process threatens defendants' rights has not read the statutes that already provide both.

Third, the remedy exists, works, and has been enacted. This is not a theoretical reform. Iowa built the court petition and its highest court enforced it. Georgia built written reasons, uniform statewide rules, certification-council review, and an employment shield. The strongest offices in our own sample wrote real criteria, real notice, and real reconsideration — voluntarily. Every element of a fair system already operates somewhere in America. No jurisdiction combines them and implements them fully and fairly. That is why upholding the spirit of Brady v. Maryland requires affording everyone – especially law enforcement officers—the due process rights it enshrines. These ten principles are a framework to meaningfully reform Brady Lists to protect officers.

> This is not a theoretical reform. The strongest offices provide real criteria, real notice, and real reconsideration — voluntarily. Every element of a fair system already operates somewhere in America.

THE TEN PRINCIPLES

I. WRITTEN, CLEAR, UNIFORM, AND PUBLIC RULES

Prosecutors must maintain and publish a written public policy covering placement reporting, intake, evidence collection, criteria, specified notifications with timelines, and a review, reconsideration, and appeals process. Any change must go immediately to the courts, the defense bar, law enforcement agencies, and employee organizations — and be accessible to the public. Nearly every office in this study writes internal rules; almost none publishes them or is required to.

II. EVIDENCE-BASED INVESTIGATIONS AND DOCUMENTED DETERMINATIONS

The office must specify clear criteria for reporting potential credibility issues and lay out, in advance, what evidence will be collected and reviewed in deciding a referral. A standardized, documented process — not institutional memory — is what makes a decision testable later.

III. CLEAR AND CONVINCING CRITERIA

Consideration shall be limited to materially relevant credibility evidence: sustained intentional dishonesty, perjury or false swearing, fraud, evidence tampering, proven bias, qualifying convictions, or comparable conduct. Mere complaints, rumor, policy disagreements, or non-credibility misconduct cannot alone justify permanent placement. Not one of the 50 offices fully meets this principle today; twenty-four meet it in part, eighteen fail it outright, and eight are silent.

IV. DELIBERATIVE REVIEW PROCESS

A written referral and complete supporting record shall be reviewed by at least three trained senior prosecutors who were not investigators or complainants. Final placement requires a recorded vote, application of the governing evidentiary standard, and approval by the elected prosecutor or a designated chief. One signature should never both make the accusation and judge it.

V. PRE-PLACEMENT NOTICE AND INPUT

Before placement is final, the officer and the employing agency receive written notice stating the factual basis, the right to request the prosecutor's relevant evidence, and the right to submit rebuttal or supplemental information — while an error check is still worth something. Only twenty-two offices provide any version of this; only six guarantee it.

VI. PROPORTIONATE AND TIERED DISCLOSURE

The law shall distinguish case-specific disclosure, a temporary review flag, continuing disclosure status, and blanket do-not-call status. Permanent or testimony-barring designations require a final adjudication or clear and convincing, corroborated evidence — not simply an allegation or a pending investigation, which today can trigger a listing in at least 30 of the 50 offices.

VII. JUSTIFIED AND PROMPT NOTIFICATION

Placement determinations and any denial of reconsideration must issue in writing with specific reasons, creating a reviewable record that deters conclusory, careless, or vindictive decision-making — delivered within three days of a final decision to the officer, the employing agency, and the state certification board. Georgia already requires the written reasons by statute. No office in this study voluntarily gives written reasons for denying reconsideration.

VIII. RECONSIDERATION AND LOOK-BACK REVIEW

Officers and employers may seek reconsideration within thirty days with corroborating evidence, and prosecutors must remove names whenever material new information or changed circumstances no longer justify the listing, with removal notices sent within fourteen days. Temporary designations shall expire automatically; permanent designations shall receive annual individualized reassessment. A status must never outlive its factual premise by default.

IX. OVERSIGHT AND AUDITS

A statewide standards or certification body shall review every placement and audit local compliance. Noncompliant offices must correct records, notify recipients, and reprocess legacy lists under the new law. Not one of the 50 offices in this study says anything about anyone auditing it — the clearest single measurement in this report.

X. INDEPENDENT MECHANISMS FOR APPEAL AND REMOVAL

A state certification body shall independently review the factual basis of every placement, and the officer may petition a court for confidential, in-camera review — with power to affirm, modify, reverse, or order removal. Iowa built the court. Georgia built the council. This principle, which makes every other principle enforceable, simply combines what a handful of states have already proved works.

APPENDIX A

Model Legislation — Peace Officer Credibility List Accuracy and Due Process Act (Full Text)

PEACE OFFICER CREDIBILITY LIST ACCURACY AND DUE PROCESS ACT

Implementing the Brady List Reform Principles (July 2026 Legislative Guide) · Drawing on Iowa Code § 80F.1 and Georgia House Bill 288 (2025) ·

Drafting note: Bracketed terms [ ] denote state-specific insertions (e.g., the certification body, court of jurisdiction, and time periods subject to local calibration). Operative language is adapted from Iowa Code § 80F.1(23)–(25) and Ga. Code §§ 15-18-33, 35-8-7.1, and 35-8-14 (as enacted by HB 288, 2025).

SECTION 1. SHORT TITLE

This Act shall be known and may be cited as the “Peace Officer Credibility List Accuracy and Due Process Act.”

SECTION 2. FINDINGS AND PURPOSE

The Legislature finds that disclosure lists maintained pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and Giglio v. United States, 405 U.S. 150 (1972), are essential to the constitutional right of the accused to a fair trial; that in the absence of written, uniform standards such lists have been administered inconsistently and, at times, arbitrarily, disqualifying officers from testimony and ending careers without notice, evidence, or review; and that accurate, transparent, consistent, and reviewable procedures serve defendants, the public, and peace officers alike. Nothing in this Act limits, delays, or modifies a prosecuting agency’s constitutional or ethical duty to disclose exculpatory or impeachment material in any case.

SECTION 3. DEFINITIONS

As used in this Act:

(1) “Brady-Giglio list” means any list, index, database, or similar record, however titled, compiled or maintained by a prosecuting agency containing the names of peace officers whose credibility as witnesses has been questioned or who have been disqualified or restricted from trial testimony because of identified or alleged issues of credibility or bias.

(2) “Affected officer” means a peace officer whose name appears on, or is proposed for placement on, a Brady-Giglio list.

(3) “Prosecuting agency” means the office of any [district/county/state’s] attorney, the [Attorney General], or any other governmental entity authorized to prosecute criminal offenses.

(4) “Council” means the [state Peace Officer Standards and Training Council or equivalent certification body].

(5) “Case-specific disclosure” means disclosure of potential impeachment information to the defense in a particular prosecution, without listing.

(6) “Temporary review flag” means a time-limited designation, pending investigation, that triggers case-by-case disclosure review.

(7) “Continuing disclosure status” means a designation requiring disclosure of specified information in all cases in which the officer is a material witness.

(8) “Do-not-call designation” means a designation barring or presumptively barring reliance on the officer’s testimony.

(9) “Clear and convincing evidence” means evidence establishing that the truth of the factual contention is highly probable.

SECTION 4. WRITTEN, CLEAR, UNIFORM, AND PUBLIC POLICY REQUIRED

(a) No prosecuting agency shall create or maintain a Brady-Giglio list, or place any officer’s name thereon, except pursuant to a written policy adopted under this section. The policy shall, at a minimum, set forth: (1) procedures for reporting and intake of potential credibility issues; (2) the evidence to be collected and reviewed; (3) the placement criteria and evidentiary standards prescribed by Section 5; (4) the deliberative review process prescribed by Section 7; (5) each required notification and its timeline; and (6) the reconsideration, lookback, appeal, and removal processes prescribed by Sections 9 through 12.

(b) The policy shall be published on the prosecuting agency’s public website. Any amendment shall be provided immediately to the courts of the jurisdiction, the defense bar, all law enforcement agencies within the jurisdiction, certified employee organizations, and the Council, and shall be made accessible to the general public.

(c) The [Prosecuting Attorneys’ Council / Attorney General] shall promulgate a uniform model policy, and every prosecuting agency that maintains a Brady-Giglio list shall adopt policies consistent therewith, so that placement standards, timelines, and procedures are uniform statewide.

SECTION 5. CRITERIA FOR PLACEMENT; EVIDENTIARY STANDARDS

(a) Consideration for placement shall be limited to materially relevant credibility evidence, including: (1) a sustained finding of intentional dishonesty in the performance of official duties; (2) perjury or false swearing; (3) fraud; (4) tampering with or fabrication of evidence; (5) proven bias against a specific defendant or an identifiable group; (6) conviction of a qualifying offense involving dishonesty or false statement; or (7) comparable conduct bearing directly on testimonial credibility.

(b) The following shall not, alone or in combination, justify placement: unsubstantiated or pending complaints; rumor or reputation; anonymous or withdrawn allegations; policy disagreements; interpersonal or political friction with a prosecuting agency; lawful concerted or associational activity; or misconduct unrelated to credibility.

(c) A do-not-call designation or other permanent, testimony-barring designation shall require a final adjudication or clear and convincing, corroborated evidence of conduct described in subsection (a). An allegation or pending investigation shall support, at most, a temporary review flag under Section 9.

SECTION 6. REPORTING, INTAKE, AND EVIDENCE-BASED INVESTIGATION

(a) Each prosecuting agency shall notify all law enforcement agencies and stakeholders within its jurisdiction of its policy and of the criteria and standardized procedure for reporting potential credibility issues.

(b) Every referral shall be in writing on a standardized form and accompanied by the complete supporting record. The agency shall document the evidence collected, the investigative steps taken, and the basis of every determination, whether or not placement results.

SECTION 7. DELIBERATIVE REVIEW PANEL

(a) A written referral and the complete supporting record shall be reviewed by a panel of no fewer than three trained senior prosecutors, none of whom served as an investigator, complainant, or witness in the underlying matter.

(b) The panel shall apply the evidentiary standards of Section 5, make written findings, and decide by recorded vote. Final placement requires the approval of the elected prosecutor or a designated chief deputy.

SECTION 8. PRE-PLACEMENT NOTICE AND OPPORTUNITY TO RESPOND

(a) Before any placement becomes final, the prosecuting agency shall send written notice, by certified mail, statutory overnight delivery, or verified electronic delivery, to the affected officer and the officer's employing agency. The notice shall state: (1) the factual basis and proposed designation; (2) the officer's right to request all documents, records, and other evidence in the agency's possession relevant to the determination; (3) the officer's right to submit rebuttal or supplemental information within [14] days; and (4) the reconsideration and appeal rights provided by this Act.

(b) The panel shall consider any timely submission before making a final determination.

(c) Nothing in this section delays case-specific disclosure required in a pending prosecution.

SECTION 9. PROPORTIONATE AND TIERED DESIGNATIONS

(a) Every determination shall employ the least restrictive designation supported by the evidence, distinguishing among case-specific disclosure, a temporary review flag, continuing disclosure status, and a do-not-call designation.

(b) A temporary review flag shall expire automatically after [180] days unless renewed once for good cause documented in writing or until the resolution of a pending criminal matter.

(c) Permanent designations shall receive individualized reassessment, documented in writing, no less than annually.

SECTION 10. JUSTIFIED AND PROMPT NOTIFICATION OF DETERMINATIONS

(a) Every placement determination, and every denial of reconsideration, shall issue in writing and state specific reasons, creating a reviewable record.

(b) Within three business days of a final determination, notice shall be delivered to the affected officer, the employing agency, and the Council. An employing agency receiving such notice shall deliver it to the officer within three days; if the officer is no longer employed there, the agency shall forward the notice to the officer's last known address by certified mail or statutory overnight delivery.

SECTION 11. RECONSIDERATION; REMOVAL; LOOK-BACK REVIEW

(a) The affected officer or employing agency may request reconsideration within 30 days of receipt of notice and may submit supporting and corroborating documents and evidence. The prosecuting agency shall promptly review the request and either remove the officer's name or deny the request in a writing stating specific reasons.

(b) A prosecuting agency shall remove an officer's name whenever material information unknown or unavailable at the time of the initial decision, or a change in factual circumstances, demonstrates that the designation is no longer justified.

(c) Notice of any removal shall be provided to the officer, the employing agency, and the Council within 14 days, in the same manner as notice of placement.

SECTION 12. INDEPENDENT REVIEW, OVERSIGHT, AND AUDITS

(a) Upon notice of any placement, the Council shall review the factual basis asserted by the prosecuting agency and shall notify the affected officer and the head of the employing agency of its determination. Proceedings under this subsection shall be conducted in accordance with the [state Administrative Procedure Act]. No officer shall be decertified, suspended, or otherwise sanctioned by the Council solely on the basis of placement on a Brady-Giglio list.

(b) The Council shall audit each prosecuting agency's compliance with this Act no less than [annually] and shall publish an aggregate public report of placements, designations by tier, reconsiderations, removals, and audit findings.

(c) A noncompliant office shall adopt a corrective action plan, correct its records, notify every prior recipient of affected information, and reprocess all legacy lists in conformity with this Act within [12] months of its effective date.

SECTION 13. EMPLOYMENT PROTECTIONS

No officer shall be discharged, demoted, suspended, disciplined, or threatened with such action by an employing agency solely due to placement on a Brady-Giglio list. This section does not prohibit adverse action based upon the underlying conduct where an independent internal investigation substantiates that conduct by at least a preponderance of the evidence, and any such action shall conform to any applicable collective bargaining agreement.

SECTION 14. JUDICIAL REVIEW; APPEAL AND REMOVAL

(a) An affected officer may petition the [district court] for review of a prosecuting agency's placement decision, or of a refusal to remove the officer's name, within [30] days of exhausting reconsideration under Section 11.

(b) The court shall perform an in camera review of the evidence and may hold a closed hearing upon the request of the officer or the prosecuting agency or upon its own motion. Evidence presented to the court shall be provided under seal and kept confidential unless otherwise provided by law and ordered by the court.

(c) The court may affirm, modify, or reverse the prosecuting agency's decision and may issue orders or provide relief, including removal of the officer's name from the Brady-Giglio list, as justice may require.

SECTION 15. CONSTRUCTION

Nothing in this Act shall be construed to modify federal law or binding court precedent relating to a prosecuting agency's disclosure duties in criminal prosecutions, to prevent the disclosure of exculpatory or impeachment evidence in any case, or to create a private cause of action for damages against a prosecuting agency or its employees except as expressly provided herein.

SECTION 16. SEVERABILITY; EFFECTIVE DATE

If any provision of this Act or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision. This Act takes effect [date], and applies to all Brady-Giglio lists maintained on or after that date, including names placed before the effective date, which shall be reprocessed as provided in Section 12(c).

APPENDIX B

The States With Brady-List Instruments

B.1 — STATUTES REGULATING BRADY LISTS DIRECTLY (11)

STATE	INSTRUMENT	WHAT IT DOES
Arizona	A.R.S. s 38-1119	Notice, access to materials, and reconsideration — but the final avenue runs through the listing office; notice routes through the employer.
Colorado	C.R.S. ss 16-2.5-501 to -503 (SB 21-174)	Every DA must adopt a written policy consistent with the statewide model; sustained findings separated from open investigations; statewide public database.
Florida	Fla. Stat. ss 112.531, 112.532(7), 112.536 (ch. 2023-230)	Opt-in by its own first sentence; employers must forward sustained IA findings, and those officers lose notice and reconsideration.
Georgia	O.C.G.A. s 15-18-33; ss 35-8-2, 35-8-7.1, 35-8-14 (HB 288, 2025)	POST Council reviews the factual basis of every listing; written reasons required; employment shield; uniform statewide policies mandated.
Indiana	Ind. Code ch. 33-39-12 (HB 1471, 2025)	Direct list procedure (H.B. 1471), effective July 1, 2025.
Iowa	Iowa Code s 80F.1(23)-(25), s 80F.3; 2026 Iowa Acts ch. 1198 (HF 2797)	Officer may petition the district court, which may affirm, modify, or reverse — including ordering removal; loser-pays fee shift for prevailing officers (2026).
Nebraska	Neb. Rev. Stat. ss 29-4901 to -4908	Court petition operative Oct. 1, 2026; the court may modify a listing but cannot order a name removed; no right to the prosecutor's records.
New Hampshire	N.H. Rev. Stat. s 105:13-d; AG Exculpatory Evidence Protocol (2017) and Additional Guidance (2018)	Public Exculpatory Evidence Schedule published monthly; officer may petition the Superior Court to contest inclusion.
Tennessee	Tenn. Pub. Ch. 770 (2026), adding a new section to Tenn. Code Ann. tit. 38, ch. 8, pt. 3	Officer and counsel get access to every record behind the determination; reasoning summaries before and after placement; no private cause of action.
Utah	Utah Code ss 53-25-1001 to -1003	Judicial review excluded by name; legacy-listed officers' review right sunset Dec. 1, 2025.
Washington	RCW 10.93.180 (2021 c 322 s 1); WAPA Model Policy (2022); AG opinion on removal	Every county prosecutor must adopt a written protocol; 10-day agency reporting; no officer-notice requirement; AGO 2025 No. 2 bars removal for passage of time alone.

B.2 — NARROW STATUTES ON ADJACENT SUBJECTS (4)

STATE	INSTRUMENT	WHAT IT DOES
California	Cal. Gov. Code s 3305.5 (with ss 3304, 3305, 3305.6)	No punitive action or denial of promotion based solely on Brady-list placement (Gov't Code s 3305.5); the listing itself is unregulated.
Maine	25 M.R.S. s 2803	Each law-enforcement agency must adopt a policy on assisting prosecutors with Brady/Giglio obligations by Jan. 1, 2026; no officer protections.
North Carolina	N.C. Gen. Stat. ss 17C-16, 17E-16	Do-not-testify notifications reported to the certification commission with a copy to the officer; the superior-court hearing reviews only whether notification occurred.
Virginia	s 15.2-1707; s 15.2-1708	Giglio-keyed decertification with notice, APA review, appeals, and reinstatement.

B.3 — STATEWIDE INSTRUMENTS SHORT OF LAW (4)

STATE	INSTRUMENT	WHAT IT DOES
Massachusetts	Mass. AGO Brady/Giglio Procedure, rev. 29 Aug. 2025	AGO Brady/Giglio Procedure (rev. Aug. 2025): strong intake design that binds only the AGO's own prosecutions and disclaims enforceable rights.
Michigan	PAAM Best Practices Recommendation - Brady/Giglio (2016)	PAAM best-practices recommendation (2016): two advisory pages on the prosecutor's disclosure duty; the listed officer never appears.
New Jersey	Attorney General Directive (2019) - Div. of Criminal Justice / Dept. of Law & Public Safety	Binding AG directive (No. 2019-6, Dec. 4, 2019): every county prosecutor must implement a written Brady/Giglio policy; rewritable by any successor AG.
Pennsylvania	PDAA Giglio Protocols for Law Enforcement (2019) and Q&A	PDAA Giglio Protocols (2019): two tiers, written notice, 30-day review with counsel or union representative, biennial status review — adopted nowhere by mandate.

B.4 — STATES WITH NO STATUTE, DIRECTIVE, OR STATEWIDE GUIDANCE (31)

Alabama, Alaska, Arkansas, Connecticut, Delaware, Hawaii, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Vermont, West Virginia, Wisconsin, Wyoming.

APPENDIX C

Methodology and Limitations

In February 2026, LELDF sent public records requests to sixty of the largest prosecuting offices seeking all policies, procedures, criteria, and forms governing officer credibility lists. We received 36 substantive responses. Some jurisdictions outright denied our request (Jefferson County, Kentucky), others ignored our request and still others delayed our request for over six months and have yet to produce any of the requested materials – only extension letters (Bronx County, New York).

Additionally, we conducted an extensive open-source search for available Brady/Giglio list policies and procedures promulgated by prosecutors' offices across the country. We discovered dozens of office policies were publicly available voluntarily or had been released via third-parties' own public records requests.

We identified 50 prosecutors' offices including 47 local district attorneys and three US Attorney's offices for this survey, who overseeing nearly 70 million Americans, 140,000 sworn law enforcement officers across over 1,000 police agencies. Most of these offices oversee large urban or dense suburban cities and counties with heavy felony caseloads.

LELDF also surveyed all 50 states for Brady list statutes, directives, court opinions, and professional oversight guidance documents to assess the landscape of Brady List regulation.

This report reflects our analysis of only those materials provided to us or accessed via public channels and non-exhaustive. An office that failed to provide its full policy or relevant materials may be incorrectly categorized. Furthermore, the analysis is potentially limited by the timing of production or the version of a policy produced.

All source materials and underlying data are available upon request.

The 50 Offices Surveyed

PROSECUTING OFFICE	STATE
Pima County Attorney (Tucson)	Arizona
San Diego County DA	California
San Francisco DA	California
Santa Barbara County DA	California
Contra Costa County DA (Richmond)	California
Alameda County DA (Oakland)	California
Los Angeles County DA	California
San Bernardino County DA	California
Ventura County DA	California
Santa Clara County DA (San Jose)	California
Denver DA, 2nd JD	Colorado
Adams County DA, 17th JD (Brighton)	Colorado
Arapahoe County DA, 18th JD (Centennial)	Colorado
Boulder County DA, 20th JD	Colorado
Colorado 7th Judicial District DA (Montrose)	Colorado
El Paso & Teller Counties DA, 4th JD (Colorado Springs)	Colorado
Jefferson County DA, 1st JD (Golden)	Colorado
U.S. Attorney, District of Columbia	Federal (D.C.)
U.S. Attorney, W.D. Mich. (Grand Rapids)	Federal (Mich.)
U.S. Attorney, N.D.N.Y. (Syracuse)	Federal (N.Y.)
Orange-Osceola State Attorney, 9th Circuit (Orlando)	Florida
Miami-Dade State Attorney, 11th Circuit	Florida
Cook County State's Attorney (Chicago)	Illinois
Reno County DA, 27th JD (Hutchinson)	Kansas
East Baton Rouge Parish DA, 19th JD	Louisiana
Baltimore City State's Attorney	Maryland
Middlesex County DA (Woburn)	Massachusetts
Suffolk County DA (Boston)	Massachusetts
Berkshire County DA (Pittsfield)	Massachusetts
Clark County DA (Las Vegas)	Nevada
Washoe County DA (Reno)	Nevada
Essex County Prosecutor (Newark)	New Jersey
Bernalillo County DA, 2nd JD (Albuquerque)	New Mexico
Mecklenburg County DA (Charlotte)	North Carolina
Wake County DA (Raleigh)	North Carolina
Durham County DA	North Carolina
Cuyahoga County Prosecutor (Cleveland)	Ohio
Hamilton County Prosecutor (Cincinnati)	Ohio
Multnomah County DA (Portland)	Oregon
Philadelphia DA	Pennsylvania
Bexar County DA (San Antonio)	Texas
Dallas County DA	Texas
Harris County DA (Houston)	Texas
Travis County DA (Austin)	Texas
Fairfax County Commonwealth's Attorney	Virginia
Virginia Beach Commonwealth's Attorney	Virginia
Newport News Commonwealth's Attorney	Virginia
Norfolk Commonwealth's Attorney	Virginia
Portsmouth Commonwealth's Attorney	Virginia
King County Prosecuting Attorney (Seattle)	Washington

Endnotes

1. Val Van Brocklin, "Officer Scores a Victory for Brady List Due Process – Other States and Prosecutors Should Follow Suit," Police1, August 23, 2022.; Samantha N. McCort, "A Simple Solution to a Complicated Problem: Giglio Disclosures in Iowa Criminal Cases," 109 Iowa Law Review 2289, 2306–07 (2024).
2. Letter, U.S. Marshals Service, Notice of Termination During Probationary Period to Cory Novick, March 22, 2024, filed as Exhibit 1 (Document 1-1) to Complaint, Novick v. U.S. Department of Justice, No. 1:25-cv-04205, filed December 2, 2025; Jason C. Johnson, "States Are Denying Cops' Due-Process Rights," City Journal, December 19, 2025.
3. Steve Reilly and Mark Nichols, "Hundreds of Police Officers Have Been Labeled Liars and Cheats. Some Still Help Send People to Prison," USA TODAY, October 14, 2019, and accompanying Brady list database.
4. Brady v. Maryland, 373 U.S. 83, 87 (1963).
5. Giglio v. United States, 405 U.S. 150, 154–55 (1972).
6. See United States v. Bagley, 473 U.S. 667 (1985); Kyles v. Whitley, 514 U.S. 419 (1995); Thomas P. Hogan, "An Unfinished Symphony: Giglio v. United States and Disclosing Impeachment Material About Law Enforcement Officers," 30 Cornell Journal of Law and Public Policy 715 (2021); Rachel Moran, "Brady Lists," 107 Minnesota Law Review 657 (2022). The "I know it when I see it" formulation is Justice Potter Stewart's, Jacobellis v. Ohio, 378 U.S. 184, 197 (1964) (Stewart, J., concurring).
7. "Law Review (2022)" Rachel Moran, "Brady Lists," 107 Minnesota Law Review 657, 657 (2022).
8. Email, Office of the Commonwealth's Attorney, City of Virginia Beach, Brady Review Committee Protocol, "Non-Exhaustive List of Brady Material" , 2026 (via open records request, Virginia Beach Commonwealth's Attorney's Office).
9. Thomas P. Hogan, "An Unfinished Symphony: Giglio v. United States and Disclosing Impeachment Material About Law Enforcement Officers," 30 Cornell Journal of Law and Public Policy 715, 718 (2021).
10. Steve Reilly and Mark Nichols, "Hundreds of Police Officers Have Been Labeled Liars and Cheats," October 14, 2019 (see note 3). Figure 1 reflects 316 offices reporting no list, 48 reporting a list with no disclosable officers, and 52 providing a list (N = 416); 27 offices that denied the request are excluded.
11. See Corbo v. Chester County, 336 A.3d 1 (Pa. Commw. Ct. 2025) (testifying is central to police work; a standing do-not-call designation can inflict employment and reputational harm); Adams v. City of Harahan, 95 F.4th 908 (5th Cir. 2024); Johnson, "States Are Denying Cops' Due-Process Rights," City Journal, December 19, 2025.
12. Email, Ramin Fatehi (Commonwealth's Attorney, City of Norfolk) to LELDF, response to Virginia Freedom of Information Act request for Brady/Giglio policies and records, April 4, 2026 (via open records request, Norfolk Commonwealth's Attorney's Office).
13. U.S. Census Bureau, Population Estimates Program, 2025 county and place estimates for the 47 local jurisdictions and the District of Columbia: 68.8 million residents, 20.1 percent of the U.S. population.
14. FBI Crime Data Explorer, Law Enforcement Employees, 2025.
15. Va. Code § 15.2-1707(B) (as amended, 2020 Special Session I); see § 15.2-1708 (notice within ten days, 30-day review request, appeal under the Administrative Process Act, and petition for reinstatement after not less than five years).
16. Iowa Code § 80F.1(25) (2024 Iowa Acts ch. 1058 (H.F. 2592), effective July 1, 2024); Iowa Code § 80F.3 (preponderance of the evidence standard).
17. Black's Law Dictionary, "clear and convincing evidence" and "preponderance of evidence"
18. O.C.G.A. § 15-18-33(b)(1), (c), enacted by 2025 Ga. Laws Act 115 (H.B. 288); O.C.G.A. § 35-8-7(14.1) (POST Council review of the factual basis for every listing); § 35-8-7.1 (administrative dismissal of unwarranted disciplinary matters); § 35-8-14(b) (no adverse employment action based solely on the listing).
19. O.C.G.A. § 15-18-33(e) (Prosecuting Attorneys' Council to develop statewide policies, which "every prosecuting attorney's office maintaining a Giglio list" must adopt).
20. Fla. Stat. §§ 112.531, 112.532(7), 112.536(1)(b), (5)(a) (ch. 2023-230, Laws of Florida (CS/HB 95), effective July 1, 2023).
21. Utah Code §§ 53-25-1001 to -1003 (enacted as §§ 53-25-601 to -603 and renumbered); § 53-25-1002(7) (judicial review excluded); Utah Code § 63I-2-253(16) (review right for previously listed officers repealed December 1, 2025).
22. A.R.S. § 38-1119 (enacted 2021 as § 38-1117 and renumbered) (notice to the employing agency; access to materials; reconsideration by the prosecuting agency).
23. C.R.S. §§ 16-2.5-501 to -503 (S.B. 21-174 (2021)); Colorado Peace Officer Credibility Disclosure Notifications statewide model policy (2021); e.g., Office of the District Attorney, Seventh Judicial District (Montrose), Peace Officer Credibility Disclosures Policy, § VIII(C) (three removal triggers: agency finding not sustained, independent determination, or court order), and the parallel policies of the Second (Denver), First (Jefferson), Fourth (El Paso/Teller), Seventeenth (Adams), Eighteenth (Arapahoe) and Twentieth (Boulder) Judicial Districts (via open records requests and public postings, 2026).
24. RCW 10.93.180 (2021 c 322 § 1); Washington Association of Prosecuting Attorneys, Model Policy for Potential Impeachment Disclosure (adopted June 17, 2022); Wash. Att'y Gen. Op. 2025 No. 2 (April 18, 2025) ("There is no authority for removing names of law enforcement officers from a Brady list based simply on the passage of time").
25. S.B. 21-174, as introduced, 73d Gen. Assemb., 1st Reg. Sess. (Colo. 2021) (bill summary: "a process to remove a record found to be inaccurate or false by the court or the relevant law enforcement agency"), compared with C.R.S. § 16-2.5-502(3)(e) as enacted ("remove any credibility disclosure notification records when appropriate and lawful").
26. Vermont Giglio Database Study Committee, Final Report (pursuant to 2022 Vt. Acts & Resolves No. 161, § 2), including Memorandum from Commissioner Jennifer Morrison, Vermont Department of Public Safety, to the Giglio Database Study Committee, November 16, 2022; Mississippi H.B. 610, 2026 Regular Session (passed House February 5, 2026, 113–4; died in Senate Judiciary B Committee March 3, 2026).
27. Senate Research Center, Bill Analysis, S.B. 1573 (Birdwell), 89th Legislature, Regular Session (Tex. April 25, 2025).; Nevada S.B. 197 (2025) (died in committee April 12, 2025); Minnesota H.F. 962 / S.F. 1813 (2025–26); Ohio H.B. 975 (2025–26).
28. Tenn. Pub. Ch. 770 (2026) (H.B. 1254), adding a new section to Tenn. Code Ann. § 38-8-313)]
29. N.C. Gen. Stat. §§ 17C-16, 17E-16; Cal. Gov't Code § 3305.5; 25 M.R.S. § 2803
30. Massachusetts Office of the Attorney General, Brady/Giglio Procedure (rev. August 29, 2025).; Massachusetts Office of the Attorney General, public records response regarding Brady/Giglio materials, 2023
31. New Jersey Attorney General Law Enforcement Directive No. 2019-6, "Directive Establishing County Policies to Comply with Brady v. Maryland and Giglio v. United States," December 4, 2019 (effective March 1, 2020).; Essex County Prosecutor's Office, Brady/Giglio policy (via open records request, Essex County Prosecutor's Office).
32. Pennsylvania District Attorneys Association, Giglio Protocols for Law Enforcement and accompanying Q&A (2019); Prosecuting Attorneys

Association of Michigan, Best Practices Recommendation — Brady/ Giglio (2016).

33. LELDF analysis of Brady/Giglio policies and related records obtained from 50 prosecutors' offices via open records requests and public sources, February–September 2026.
34. E.g., Washoe County District Attorney, response letter listing eight disclosure categories, 2026 (via open records request, Washoe County District Attorney's Office); Berkshire District Attorney's Office, Brady Evidence Disclosure Form, July 28, 2020 ("any other conduct that could be considered exculpatory, favorable to a defendant, or impeachable") (via open records request, Berkshire County District Attorney's Office); San Bernardino County District Attorney, Brady Disclosure Material, November 11, 2021 (open source-online)
35. Email, Office of the Commonwealth's Attorney, City of Virginia Beach, Brady Review Committee Protocol, "Non-Exhaustive List of Brady Material" (via open records request, Virginia Beach Commonwealth's Attorney's Office).
36. Contra Costa County District Attorney, Brady policy (via open records request, Contra Costa County District Attorney's Office); Durham County District Attorney's Office, Policy on Disclosure of Giglio/ Brady Material, issued August 2019 (via open records request, Durham County District Attorney's Office); Essex County Prosecutor's Office, Brady/Giglio policy (via open records request, Essex County Prosecutor's Office).
37. Denver District Attorney (Second Judicial District), Peace Officer Credibility Disclosure policy and Brady Committee procedures (via open records request, Denver District Attorney's Office); Harris County District Attorney, Brady/Giglio disclosure policy (via open records request, Harris County District Attorney's Office); Virginia Beach Brady Review Committee Protocol, note 8; Second Judicial District Attorney (Bernalillo County), Giglio Panel policy (via open records request, Bernalillo County District Attorney's Office).
38. Mecklenburg County District Attorney's Office, Procedure for Disclosure of Brady/Giglio Material, rev. January 1, 2019, at 1–2 (via open records request, Mecklenburg County District Attorney's Office). Earlier revisions dated April 17, 2012 and September 1, 2015 were produced with it.
39. Email, Ramin Fatehi (Commonwealth's Attorney, City of Norfolk) to LELDF, April 4, 2026 ("I have the sole decision-making authority on whether to add or remove someone's Brady designation. An aggrieved officer may, through counsel, ask me for a second review.") (via open records request, Norfolk Commonwealth's Attorney's Office).
40. LELDF analysis, The ten systems stating a standard: Denver, Contra Costa, Alameda, Cook County and Orange-Osceola (preponderance); Durham ("substantial information"); Pima County ("reasonable basis"); Los Angeles (clear and convincing, removal only); U.S. Attorney's Office for D.C. (clear and convincing, Do Not Sponsor tier); Baltimore City (clear and convincing, abuse-of-authority pathway).
41. LELDF analysis, see, e.g., Second Judicial District Attorney (Bernalillo County), Giglio Panel policy (panel members chosen to be independent of the underlying investigation).
42. Los Angeles County District Attorney, Legal Policies Manual, Brady/ impeachment disclosure provisions (via open records request, Los Angeles County District Attorney's Office).
43. Denver District Attorney policy, note 38 ("sustained finding" defined as one established by a preponderance of the evidence); Contra Costa County District Attorney Brady policy, note 36; Alameda County District Attorney, Potential Brady Bank Policy and Protocol for Officer Challenge to Inclusion in Bank (undated; the office states the documents are not current) (via open records request, Alameda County District Attorney's Office).
44. Office of the State's Attorney for Baltimore City, Do Not Call List and Protocols, §§ II (clear and convincing evidence for the abuse-of-authority pathway; false conviction or pending charge for the second pathway), IV (temporary inclusion), VI ("Decay Factor") (via open records request, Office of the State's Attorney for Baltimore City).
45. Email, Office of the State Attorney, Eleventh Judicial Circuit of Florida (Miami-Dade), to LELDF, March 9, 2026 (via open records request, Miami-Dade State Attorney's Office).
46. Memorandum, Channing D. Phillips, United States Attorney for the District of Columbia, "Allegations of Misconduct Involving Members of Law Enforcement Agencies," May 2016 ("the Committee will not generally notify MPD"), released by the Executive Office for United States Attorneys in Shapiro v. U.S. Department of Justice, No. 1:16-cv-01959-DLF (D.D.C.).
47. United States Attorney for the District of Columbia, "Allegations of Misconduct Involving Members of Law Enforcement Agencies," November 4, 2016, § II (emphasis in original), released by the Executive Office for United States Attorneys in Shapiro v. U.S. Department of Justice, No. 1:16-cv-01959-DLF (D.D.C.).
48. United States Attorney's Office for the District of Columbia, Lewis Committee Charter (undated), §§ on the Do Not Sponsor designation, clear-and-convincing standard and eight-factor test, released by the Executive Office for United States Attorneys in Shapiro v. U.S. Department of Justice, No. 1:16-cv-01959-DLF (D.D.C.).
49. LELDF analysis
50. A.R.S. § 38-1119; O.C.G.A. § 15-18-33(b) (notice to the employing agency and POST, which the agency must forward under § 35-8-14(a)); Bexar County Criminal District Attorney, Ethical Disclosure Unit policy and Disclosure List / Do Not Call List procedures (via open records request, Bexar County District Attorney's Office).
51. Machen memorandum, November 4, 2011, note 48.
52. Lewis Committee Charter, note 49.
53. Office of the Commonwealth's Attorney, City of Virginia Beach, Brady Review Committee Protocol (notice provisions) and sample officer notification letter, 2026 (via open records request, Virginia Beach Commonwealth's Attorney's Office).
54. King County Prosecuting Attorney's Office, Potential Impeachment Disclosure (PID) Policies and Protocols, updated June 25, 2025 (20-day response window) (via open records request, King County Prosecuting Attorney's Office); Santa Barbara County District Attorney, Brady Policy, rev. 2013 (30 days, extendable to six months) (via open records request, Santa Barbara County District Attorney's Office); Multnomah County District Attorney, Brady/Potential Impeachment policy (written notice of pending review, right to submit materials and to appear before the committee) (via open records request, Multnomah County District Attorney's Office).
55. Office of the Commonwealth's Attorney for Fairfax County, Brady/ Giglio policy and worked examples (via open records request, Fairfax County Commonwealth's Attorney's Office).
56. Pima County Attorney's Office, Rule 15.1 Disclosure Committee Protocols and Procedures ("Removal of an Officer may occur when deemed necessary and lawful") (via open records request, Pima County Attorney's Office); Bexar County Ethical Disclosure Unit policy, note 52 (officers on either list "may only be removed at the written direction of" the Criminal District Attorney).
57. Fairfax County Sheriff's Office, incident report regarding the September 28, 2021 courthouse security checkpoint incident; Office of the Commonwealth's Attorney for Fairfax County, Brady/Giglio notification to the Fairfax County Sheriff's Office, signed by Chief Deputy Commonwealth's Attorney Kyle Manikas, November 2021; "Report: Descano, Deputy Unleash Tirade on Courthouse Personnel in Fairfax," Sun Gazette/InsideNoVa, October 2021.; Lindsay Watts, "Sheriff's Officers Cleared After Confrontation with Fairfax's Top Prosecutors," FOX 5 DC, April 6, 2022. "VA Sheriff's Officers Vindicated in Scuffle with Left-Wing DA but He Punishes Them Anyway: Attorney," Fox News, April 7, 2022. Johnson, City Journal, December 19, 2025.
58. LELDF analysis.
59. LELDF analysis, scored against Law Enforcement Legal Defense Fund, Brady List Reform Principles (July 2026). A system is scored YES where its written policy fully meets a principle, PARTIAL where it addresses the principle in part, and NO where it fails the principle or is silent.

60. Complaint and Motion for Temporary Restraining Order, Sparks Police Protective Association v. City of Sparks, No. 3:16-cv-00681-MMD-WGC (D. Nev. 2016); Order denying temporary restraining order; the case was dismissed by stipulation on April 6, 2017.
61. United States v. Sutton and Zabavsky, No. 1:21-cr-00598-PLF (D.D.C.) (trial testimony of Cory Novick, 2022); Complaint, Sutton v. United States (D.D.C. filed June 9, 2026) ; Johnson, City Journal, December 19, 2025.
62. Executive Grant of Clemency, January 22, 2025; "DC Police Department Reinstates Officers Convicted in Death and Cover Up After Trump Pardon," CNN, March 3, 2025.; "Despite Murder Conviction, MPD Gave Officer His Job Back—and Back Pay," Washington Informer, 2025.
63. U.S. Marshals Service termination letter, March 22, 2024, and Complaint, Novick v. U.S. Department of Justice, No. 1:25-cv-04205, filed December 2, 2025, note 2;
64. Van Brocklin, Police1, August 23, 2022, note 1; McCort, 109 Iowa Law Review at 2306–07; Iowa Code § 80F.1 (history: 2021 Iowa Acts ch. 183 (S.F. 342); 2022 Iowa Acts ch. 1142 (H.F. 2496) (notice, input and reconsideration); 2024 Iowa Acts ch. 1058 (H.F. 2592) (court petition, § 80F.1(25))); Johnson, City Journal, December 19, 2025.
65. Complaint, McDonald v. 81st Judicial District Office et al., No. 5:22-cv-01380 (W.D. Tex.); Dillon Collier, "Lawsuit: South Texas DA Twice Used Expunged Records to Block Officer from Landing Law Enforcement Jobs," KSAT, July 31, 2023.
66. Corbo v. Chester County, 336 A.3d 1 (Pa. Commw. Ct. 2025).
67. Julie Egea, Request for Reconsideration and Removal from the Rule 15 Database, Maricopa County Attorney's Office (2024); Dave Biscobing, "How Did a Top Phoenix Cop Get Her Name Taken Off 'Brady' List?," ABC15 Arizona, January 8, 2025.; A.R.S. § 38-1119.
68. Richmond v. Jefferson County Attorney, No. 25-0366 (Iowa May 1, 2026), affirming the ruling of the Iowa District Court for Jefferson County (Farrell, J., February 27, 2025) ordering Richmond's removal from the county's Brady-Giglio list; "Jefferson County's Brady-Giglio Case Could Go to Iowa Supreme Court," Southeast Iowa Union, 2025.; Iowa Code § 80F.1(25).
69. In re E.A., Police Officer, Nos. A-0188-21 and A-1590-21 (N.J. Super. Ct. App. Div. June 1, 2023); "Failure to Rehire Officer Based on Brady/Giglio Upheld by Court," NJ Cops Magazine, 2023. https://njcopsmagazine.com/failure-to-rehire-officer-based-on-brady-giglio-upheld-by-court/.
70. Adams v. City of Harahan, 95 F.4th 908 (5th Cir. 2024) (No. 22-30218, February 16, 2024).
71. Adams v. City of Harahan, No. 24-102 (U.S. October 7, 2024) (certiorari denied); Brief of the National Police Association as Amicus Curiae in Support of Petitioner, No. 24-102 (August 29, 2024) (tendered; marked not accepted for filing on the docket).