



Office of the San Diego City Attorney

Mara W. Elliott
City Attorney

June 17, 2020

Dear Concerned Community Member,

Thank you for your email.

It is unfortunate that you have been given false information at a time when honesty about police procedures has never been more important.

The list you wrote about is commonly known as a *Brady* list. *Brady* lists are used to disclose police officer misconduct to defendants in criminal trials - not to conceal it.

The lists get their name from a landmark U.S. Supreme Court case, *Brady v. Maryland*. In this 1963 case, the Court ruled that a prosecuting agency must share with a defense attorney all exculpatory evidence – that is, evidence that might help exonerate a defendant, including all information about officer misconduct. *Brady* lists are not unique to San Diego; they are kept by prosecuting agencies in all 50 states. You can find additional information about *Brady* disclosures online.

Here's how the process works: Before a defendant goes to trial, my Office collects all potentially exculpatory information from law enforcement agencies, including any other source available to us, and shares it with the defendant. A defense attorney will then use that information to protect the due process rights of their client. For example, information that a police officer falsified evidence in a previous case can be used to impeach the testimony of that police officer on the witness stand. *Brady* information not only ensures due process for defendants - it helps my Office evaluate whether a criminal case should proceed or be dismissed.

The San Diego City Attorney's Office has a robust process for ensuring that every defendant that is prosecuted by our Office has complete access to all of the *Brady* information they are entitled to see. However, other public disclosures of *Brady* lists are illegal in the state of California, which has some of the toughest laws in the nation protecting law enforcement personnel information.

As used by our Office, *Brady* lists remain a valuable tool to combat police misconduct.

Another area I will address is your demand that my Office prosecute dishonest police. Perjury and falsifying evidence are both felonies, which fall within the jurisdiction of the District Attorney and California Attorney General. If my Office is aware any dishonesty by a police officer such as perjury, falsifying evidence, or making false reports, we would submit it immediately to one of those agencies to prosecute as a felony. My Office does prosecute law enforcement officers for misdemeanors, which can include drunk driving and domestic violence. Any criminal misconduct by a police officer is unacceptable. In addition, I've obtained Gun Violence Restraining Orders against former police officers who've demonstrated they cannot be trusted with firearms.

In closing, our city has an unprecedented opportunity right now to examine and reform police procedures for the betterment of everyone who lives here.

I look forward to continued engagement with the community on this important topic.

Sincerely,

A handwritten signature in blue ink that reads "Mara W. Elliott".

Mara W. Elliott
San Diego City Attorney