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Police Impeachment Disclosure: Approaches for the Modern Prosecutor

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POLICE IMPEACHMENT DISCLOSURE: APPROACHES FOR THE MODERN PROSECUTOR

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The National Best Practices Committee and Acknowledgements

The National Best Practices Committee (NBP), convened by Prosecutors' Center for Excellence's (PCE), brings prosecutors together to share ideas, discuss challenges, and develop guidance on today's prosecution best practices.

The NBP includes experienced prosecutors from large and small offices in 30 states. The committee meets on a regular basis to collaborate on creating a vision for the prosecutor's office of the future and issuing papers related to that topic. The mission of the NBP is to improve the criminal justice system by providing support, guidance, and considerations for prosecutors. The NBP addresses the challenging issues impacting victims, witnesses, the accused, and the community. The guiding principles for NBP's work are a commitment to justice, integrity, ethics, fairness, and equity for all.

See NBP's work and NBP's members at the [National Best Practices Committee Webpage](#).

This paper was written by Antonia Merzon, Senior Attorney at PCE, with valuable input from members of the National Best Practices Committee. Marissa D'Amore, PCE's Executive Assistant and Creative Designer produced the excellent cover and design.

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POLICE IMPEACHMENT DISCLOSURE: APPROACHES FOR THE MODERN PROSECUTOR

This paper continues a series of papers issued by the National Best Practices Committee on topics of current interest for prosecutors.

One of a prosecutor's most important obligations is the disclosure of exculpatory evidence to a defendant, including evidence that could impeach the credibility of law enforcement witnesses. Although United States Supreme Court decisions established this duty over sixty years ago, prosecutor offices continue to grapple with how to fulfill it. A prosecutor office might handle thousands of cases annually, involving numerous law enforcement officials who often are recurrent witnesses in a variety of cases. Obtaining information that might impeach these police witnesses, and handling its proper disclosure, are ongoing challenges.

This paper explores methods that can be used by prosecutor offices across the country to identify and disclose police impeachment material. Statewide efforts to standardize impeachment disclosure also are examined. The purpose of this paper is to provide an overview of this subject and general information for prosecutors considering these issues. Each state has its own statutes, rules, and jurisprudence about impeachment material that provide specific guidelines and requirements for individual prosecutor offices. It should be noted that available resources can limit a prosecutor's ability to form specialized programs.

Legal and Ethical Responsibilities

Prosecutors have significant legal and ethical responsibilities regarding evidence that may be favorable to the defendant in a criminal case. A large body of case law describes these duties, but they can be summarized generally as follows:

- **Material to Guilt or Punishment:** Prosecutors have a legal duty to disclose exculpatory evidence to the defense that is material to the guilt or punishment of the accused. This duty was established by the United States Supreme Court in *Brady v. Maryland*, 373 U.S. 83 (1963), which held that failure to make such disclosure is a violation of the defendant's right to due process. The good or bad faith of the prosecutor in failing to disclose exculpatory evidence is irrelevant to the due process analysis.
- **Impeachment Material:** Exculpatory evidence includes material that could be used to impeach the credibility of a prosecution witness whose testimony may be determinative of guilt or innocence. When one prosecutor is aware of impeachment

material, the entire prosecutor office is presumed to be aware of it. *United States v. Giglio*, 405 U.S. 150 (1972).

- **Due Dilligence:** Prosecutors are responsible for learning of any exculpatory or impeachment evidence known to others acting on the government's behalf, including law enforcement agencies. *Kyles v. Whitley*, 514 U.S. 419 (1995).¹
- **Consequences for Failure:** Courts that determine prosecutors have violated these duties can dismiss cases, declare mistrials, or deny the admission of evidence. When violations are discovered after a conviction, courts can overturn the guilty plea or verdict. Prosecutors who are found to have intentionally withheld evidence may face sanctions.
- **State Rules:** Every state has a rule, statute, decision or other authority codifying prosecutors' obligation to disclose evidence and impeachment material favorable to the defendant.² States may vary in their disclosure rules and requirements, and some may require disclosures that are not addressed by the federal constitutional caselaw. In addition, the Rules of Professional Conduct in every state describe this disclosure responsibility as an ethical duty for prosecutors.

What is Police Impeachment Material?

Based on this jurisprudence, prosecutors have an obligation to determine the existence of:

- **Exculpatory Evidence:** evidence held by, or known to, the law enforcement officials involved with the cases they litigate, and
- **Impeachment Material:** information or material that could impeach the credibility of a law enforcement or other government official called as a witness for the prosecution.

¹ Federal caselaw in most circuits, as well the laws and rules in many states, suggest the defense also has a due diligence obligation with regard to exculpatory and impeachment evidence. Supreme Court decisions have held that prosecutors have a duty to disclose exculpatory evidence "unknown to the defense". See e.g., *Kyles v. Whitley*, 514 U.S. 419 (1995). In many jurisdictions, this language has been interpreted to mean that prosecutors do not violate disclosure requirements if the evidence in question is in the possession of the defendant, or could be acquired by the defense. Examples of such evidence might include public records, information the defendant knows and could provide to his counsel, and/or evidence the defense could reasonably access. Discussion of laws and rules regarding defendants' due diligence obligations can be found at: (1) Weisburd, Kate, [Prosecutors Hide, Defendants Seek: The Erosion of Brady Through the Defendant Due Diligence Rule](#), 60 UCLA L. Rev. 138 (2012), and (2) Moreland, Maxel, [Brady Evidence Suppression Claims: Should Courts Require Criminal Defendants to Exercise Due Diligence During Discovery?](#), U. Cinnc. L. Rev. Blog (2016).

² L. Hooper, J. Marsh & B. Yeh, [Treatment of Brady v. Maryland Material in United States District and State Courts' Rules, Orders, and Policies](#), Federal Judicial Center (2004)

There are important distinctions between exculpatory evidence and impeachment material.

Exculpatory Evidence

Exculpatory evidence is specific to an individual case. It can exist in the form of physical evidence (e.g. DNA, fingerprints, tangible items, business records), witness observations (e.g. information provided by an eyewitness or alibi witness), or evidence related to the motivation or credibility of an incriminating witness. Exculpatory evidence must be disclosed when it is materially relevant to the guilt or punishment of a defendant in a particular criminal prosecution.

Impeachment Material

Impeachment material, however, does not necessarily arise from the facts of the pending criminal case. In fact, impeachment material may exist because of events wholly unrelated to a criminal prosecution. Moreover, because impeachment material relates to a witness, and not a case, it is usually pertinent to more than one specific case. When impeachment material is discovered, it may impact the credibility of an officer in any criminal prosecution with which they are connected.

Police impeachment material generally involves conduct indicating that an officer cannot be trusted. This conduct is not limited to untruthful statements made by an officer. Any act or circumstance that provides reason to question the officer's credibility may qualify as impeachment material, including:

- **Incidents of dishonesty and falsehood**, such as:
 - Lying under oath
 - Lying to supervisors, fellow officers, or prosecutors
 - Falsified or misleading reports
 - Planting evidence
 - Hiding evidence
- **Incidents of criminal or unprofessional activity**, such as:
 - Criminal convictions
 - Findings of professional misconduct
 - Pending investigations into criminal acts or professional misconduct
 - Inappropriate records checks
- **Personal characteristics that may raise credibility questions**, such as:
 - Demonstrated bias against an individual or group, including racial or religious bias
 - Mental or physical impairment, such as poor vision or intoxication.

An Ongoing Duty for Prosecutors

Prosecutors' knowledge that an officer has a credibility issue creates an ongoing duty to disclose this information whenever it may be materially relevant to any defendant's guilt or innocence. In other words, when impeachment material about a law enforcement officer exists, prosecutors must evaluate the material in every subsequent case on which the officer works to determine if it must be disclosed to the defense. For example, when an officer has lied under oath in one case, the credibility of the officer as a sworn witness will come into question each time he takes the stand thereafter.

This carry-over effect, however, may not apply to every instance of impeachment material. Some information related to an officer's credibility may not reflect upon their veracity as a witness. For example, a pending investigation into an allegation of rude, unprofessional behavior may not, in fact, involve an issue of untruthfulness or bias. The incident may be relevant to a related prosecution, but it may not be materially relevant in the context of other criminal cases.

Because one prosecutor's awareness of impeachment material is imputed to the entire office, prosecutors are tasked with the responsibility of not only determining the existence of police impeachment material, but sharing this knowledge for reference in future cases. Offices can consider creating a repository of impeachment information, in order to fulfill the obligation to disclose evidence that could impeach an officer's credibility should the officer be a witness for the prosecution again.

Prosecutor Impeachment or "Brady" Lists

To comply with these legal and ethical requirements, some prosecutor offices have developed methods to keep track of officers with impeachment issues who might continue to be involved with cases in their jurisdictions. The approaches used vary depending upon a prosecutor office's size and resources. In small and rural offices, impeachment material may be well known to all, while in larger offices, the information may be harder to find.

Some prosecutor offices keep a list of such officers, along with notes about the conduct that raised a credibility concern. These lists – often called "Brady Lists" or "Impeachment Lists" – help an office maintain an institutional memory of these law enforcement witnesses. Offices often notify their prosecutors when new law enforcement officers with a potential impeachment issue are added to the list. When such an officer becomes a witness in another case, prosecutors can review the information in the list, evaluate the impeachment issue in the context of the new case, and disclose impeachment material to the defense as appropriate. This process allows the prosecutor office to fulfill its legal and ethical obligation to ascertain and disclose appropriate impeachment material.

Creating an Impeachment List

Prosecutor offices around the country use many different methods for creating and maintaining an impeachment list. While each office has its own approach, there are several key factors to consider for developing an effective process.

Assigning the Task.

Fulfilling the legal and ethical obligations around police impeachment material is a complex task that requires experience and consistency. As a result, some offices make impeachment material the dedicated assignment of one or more attorneys.

- **Single-Attorney Assignment:** Some offices assign a single attorney to oversee the policies and processes for uncovering, tracking and disclosing law enforcement impeachment material. This assignment often is given to a senior or supervisory attorney who can make decisions about adding an officer to an impeachment list, and who can handle potentially difficult conversations with law enforcement officials about this process.
- **Impeachment Material Committees:** Some large and medium-sized prosecutor offices have created internal committees to develop their policies about impeachment material and maintain their impeachment lists. In King County, Washington and Maricopa County, Arizona, for example, prosecutor offices have a committee comprised of senior attorneys that develops the office's policy about impeachment material, reviews information about officers' credibility, determines if an officer should be included on the office's impeachment list, and helps with decisions about whether to disclose impeachment material in individual cases.

Policies for Inclusion on the Impeachment List

Prosecutor offices also must determine what forms of conduct warrant an officer's inclusion on the impeachment list, as well as what types of witnesses the list will encompass.

Some offices develop a written policy that lays out these standards. These policies are then disseminated to office staff to ensure all attorneys and other appropriate employees are aware of the office's requirements and expectations for obtaining and disclosing impeachment material. The attorney or committee assigned to handle the impeachment list also will use the office's policies to make determinations about impeachment material and witnesses.

- **Criteria for What Constitutes Impeachment Material:** An office policy can establish the criteria for what constitutes police impeachment material and when it should be disclosed. These policies will reflect the statutes, rules and binding case law of the state, as well as each office's assessment of the best practices for meeting these obligations.

While certain acts of dishonesty might clearly constitute material that could be used to impeach an officer's credibility – based on existing law and common sense – some conduct may fall into a gray area that requires more information and analysis. By creating a written policy, a prosecutor office can explore and communicate its legal and ethical analysis of such scenarios.

- **Maricopa County, Arizona:** In Maricopa County, Arizona, for example, the prosecuting attorney's office has a two-tier system for its impeachment database. Tier 1 includes impeachment material that the committee has determined must be disclosed in every case in which the person is a witness. This material typically involves clear honesty violations, such as a finding of untruthfulness in police internal investigations. Tier 2 includes impeachment material the committee has concluded may bear on the officer's credibility in certain cases, but may not need to be disclosed in every case. For example, the decision whether to disclose an officer's use of unjustified force on a suspect must be made based on the facts and circumstances of each subsequent case. See video, <https://pceinc.org/potential-police-impeachment-material-best-practices/>.

Categories of Witnesses on the List

Although impeachment lists often center around law enforcement witnesses, prosecutors' disclosure obligations also extend to other government agents. Offices often use their impeachment lists to track impeachment material for other types of frequent government witnesses, such as lab technicians, forensic experts, and corrections officers. The office's written policy about its impeachment list can reflect the types of witnesses the list will encompass, as well as the criteria for impeachment material applicable to different job capacities.

Appeals Process for Officers

Along with criteria for inclusion on the impeachment list, a prosecutor office must consider circumstances that warrant removing officers from the list. For example, if a criminal charge or allegation of misconduct is later determined to be unfounded, the manager(s) of the impeachment list may decide the officer should no longer be listed.

Many prosecutor offices also incorporate an appeals process, through which an officer can petition to have their name taken off an impeachment list. In some states, an appeal process is mandatory. In Arizona, Florida, and Indiana, for example, state law requires prosecutor offices notify officers before placing them on an impeachment list and to maintain a procedure through which officers placed on an impeachment list can request reconsideration.

Gathering Impeachment Information

Because prosecutors are responsible for identifying and gathering police impeachment material, a prosecutor office must develop methods for obtaining impeachment information from potential sources. Methods may include:

- **Systems established with law enforcement agencies for regular notice of new impeachment material:** Some prosecutor offices collaborate with the law enforcement agencies in their jurisdictions to obtain regular updates about impeachment material. Such a system might require law enforcement agencies to report impeachment material on a set schedule, such as every six months or every year. Prosecutor offices often provide a list to law enforcement agencies of the types of conduct and incidents that must be reported. This list will reflect the state's laws and rules on disclosure of exculpatory evidence, as well the prosecutor office's policies on impeachment material.

Prosecutors also can work with law enforcement partners to determine what information will be provided in these regular updates. Some prosecutor offices, such as the King County Prosecutor's Office in Washington, ask for only a simple notice that identifies the officer and some basic information about their credibility-related conduct. Other offices, such as the Maricopa County Prosecutor's Office in Arizona, require law enforcement agencies to provide their internal files and full documentation of the conduct in question.

- **Sending letters to law enforcement agencies before the commencement of trials:** Some prosecutor offices send a letter to relevant law enforcement agencies inquiring about any impeachment material involving witnesses in an upcoming trial case. By making the inquiry close in time to trial, prosecutors can receive any recent impeachment material. This approach also can be helpful for offices with annual or biannual reporting systems, since the reporting calendar may leave gaps in time in which agencies are not providing notice of impeachment material to prosecutors.

Internal Methods for Prosecutors to Identify and Report Impeachment Material

Prosecutor offices also can develop internal procedures for their own detection and reporting of police impeachment material. These systems might include:

- **Police Trial Preparation Questions:** Offices can require certain standard interview questions for police witnesses to elicit information about past or current events that might raise a credibility issue. These questions can explore any convictions and investigations officers may have in their history, as well as credibility exposure in their personal lives – such as civil lawsuits or social media usage. See Appendix A

and B for examples of such interview questions and see also video, <https://pceinc.org/potential-police-impeachment-material-best-practices/>.

- **Case Requirements:** Offices can use checklists and supervisor oversight to confirm impeachment material is being gathered in every case. A police impeachment protocol also can require that attorneys check their witnesses against the office's impeachment list in every case.
- **Reporting Requirements:** Systems that allow prosecutors to report potential impeachment issues to the attorney(s) or committee responsible for the office's impeachment list can streamline the sharing of impeachment material. For example, when a prosecutor determines a police witness lied to her about a material fact in a case, or a judge ruled that the officer testified in an incredible manner during a hearing, an office protocol for reporting this information can ensure the office as a whole is made aware of the new impeachment material.
- **Referral systems to law enforcement for investigation of potential impeachment material:** When a prosecutor office learns of potential impeachment material through its attorneys, the courts, or other witnesses, the conduct in question frequently requires further investigation. Establishing a procedure with law enforcement agencies to promptly receive and investigate such incidents ensures that impeachment material is gathered, and required disclosures are made, in pending and future prosecutions.
- **Sharing impeachment lists among local prosecution agencies:** In many jurisdictions, there are multiple agencies responsible for the prosecution of criminal cases. For example, a county-level agency may be responsible for all felony prosecutions, whereas municipal-level agencies handle misdemeanor and traffic offenses. Collaborating with all prosecution agencies within a jurisdiction to share impeachment lists ensures that impeachment material is known and appropriately disclosed at all levels. Similarly, sharing impeachment information among neighboring jurisdictions can allow prosecutors to be fully informed about witnesses who have developed credibility issues in connection with cases handled by nearby prosecutor offices.

Conveying Impeachment Information to the Office

When procedures have been established for gathering impeachment information and keeping an impeachment list, a prosecutor office must next consider how the list will be shared with its attorneys.

As a first step, an office can develop a method to make all prosecutors aware of the existence of the list, who is maintaining it, and any office policies about the criteria for what constitutes impeachment material. Offices with written policies can provide these

guidelines to every staff member. Some offices keep their impeachment list in a searchable database that is made available to prosecutors.

A prosecutor office also can choose methods for disseminating alerts when new information is added to the impeachment list, such as:

- **Email Alerts:** Email alerts to inform attorneys about the placement or removal of an officer or other witness.
- **Case Management System Alerts:** Alerts within the case management system that notify prosecutors when an officer listed as a case witness also appears on the impeachment list. Digital case management systems often can be configured to provide these notifications, as well as a basic description of the witness' impeachment issue.
- **Reminders:** Periodic reminders to attorneys to check the impeachment list, with a link or explanation for how to find it.
- **Training:** Regular training for office prosecutors on the law, their ethical responsibilities, and the office's policies. Prosecutor offices also can educate all attorneys on the office impeachment list and the attorneys' individual responsibilities to use it, as well as on attorneys' responsibilities to gather and report impeachment information from law enforcement witness.

Motions *in Limine*

Full disclosure of impeachment material to a defendant is critical, however many forms of impeachment material may not be appropriate trial evidence. For example, a finding of misconduct about an officer in connection with a dissimilar case that occurred 20 years ago might have to be disclosed, but may not be relevant to the current case in which the officer is testifying. Prosecutor offices, therefore, must be prepared to make motions *in limine* that seek court rulings to preclude the introduction of certain impeachment material. In connection with education about the impeachment list, offices can provide training on the appropriate use of motions *in limine*, and the relevant law in their jurisdictions, to prevent impeachment material from wrongly being used as evidence in a criminal prosecution.

State Initiatives

Traditionally, the legal and ethical obligations for police impeachment material have been left to individual prosecutor offices to handle. This approach allows each office to establish a procedure suited to its particular circumstances and legal interpretations. When prosecutor offices throughout a state develop different policies, however, the result can be inconsistency in the application of the law.

The siloing of impeachment information within individual offices also prevents prosecutors in other jurisdictions from learning about witnesses with impeachment material. For example, a state patrol officer might be assigned to cover an area spanning several counties and prosecutor offices, or might be regularly reassigned throughout a state. If a state patrol officer was found to have engaged in dishonest conduct in one jurisdiction, this impeachment information might remain unknown to prosecutors in another county with cases involving the officer.

Similar issues arise with officers who are asked to resign from one police department for misconduct, but are later hired by another department in a different county or state. Without a conviction, formal firing, or finding of misconduct, the hiring department – and local prosecutors – may not learn all the circumstances surrounding an officer’s departure from his prior employment. Prosecutors, who have the ethical obligation to disclose the misconduct, may not even know the officer worked at another agency.

Because of these concerns, some states are pursuing statewide initiatives to standardize prosecutors’ approaches to police impeachment material, and to share impeachment information throughout the state. These initiatives include:

State Guidelines and Model Policies

Some states have established statewide guidelines and model policies for prosecutor offices on the handling of constitutional and ethical obligations related to police impeachment material. These resources provide recommended approaches to gathering, tracking and disclosing evidence that could impeach an officer’s credibility.

In Colorado, for example, a committee created by a 2021 statute was tasked with drafting a statewide model policy for peace officer credibility disclosure. In Washington, the Washington Association of Prosecuting Attorneys (WAPA) created a [model impeachment disclosure policy](#) in 2022 that is now used throughout the state. See video, <https://pceinc.org/potential-police-impeachment-material-best-practices/>. In New Jersey in 2019, the Attorney General provided [guidelines for compliance with disclosure requirements](#) for exculpatory and impeachment information - and directed all county prosecutors to develop a written policy consistent with those guidelines.

Statewide impeachment Lists

A small number of states have developed statewide processes that share police impeachment information among prosecutor offices and with the public. Two examples are:

- **Arizona:** In Arizona, for example, the Arizona Prosecuting Attorneys’ Advisory Council (APAAC) has created a [disclosure database](#) that allows participants in the criminal justice system to search for law enforcement officers and other government witnesses to see if they appear on an impeachment list in the state’s prosecuting attorney’s offices. APAAC does not make any determinations about who should be

on the list; it merely compiles the lists from member agencies. See video, <https://pceinc.org/potential-police-impeachment-material-best-practices/>.

- **Colorado:** In Colorado, statutes require the Peace Officer Standards and Training unit (POST) within the Attorney General's Office to provide a publicly available database of certain types of police impeachment material. Individual District Attorney's offices maintain their own impeachment lists. However, if a peace officer engages in one of eight types of enumerated actions, a District Attorney's must notify POST so the information can be added to the public database. Along with the list of officers, the [POST Peace Officer Database](#) describes the actions that merit each officer's inclusion in the database and provides metrics on the types of actions being reported across the state. These eight POST categories do not necessarily cover all types of police impeachment material, and each District Attorney's Office is responsible for making necessary impeachment disclosures in individual cases. See video, <https://pceinc.org/potential-police-impeachment-material-best-practices/>.

Statutory Requirements for Impeachment Lists

Legislatures in some states have created statutory obligations for prosecutors regarding the disclosure of police impeachment material. These laws set forth specific legal mandates for prosecutor offices. For example, in Arizona, Colorado, and Washington, state law requires prosecutor offices to have a written policy on police impeachment disclosure. Other states, such as Florida and Indiana, do not require a policy, but provide guidance for what provisions such a policy should contain if a prosecutor office were to create one.

Conclusion

Police impeachment disclosure is a difficult legal and ethical obligation for prosecutors to fulfill, in large part because prosecutors are required to gather impeachment material from an array of other agencies. As states increasingly impose statutory mandates to ensure equal and fair disclosure, prosecutor offices have developed a variety of methods for tackling this important responsibility. This paper shares information about different practices being implemented across the country with an eye towards the future of the profession. Prosecutor offices can use these insights to assess their impeachment disclosure approaches and consider strategies to strengthen them.

APPENDIX A

Law Enforcement Witness Questionnaire

Witness: _____ Case: _____

ADA: _____ Date: _____

Prior Testimony:

- 1) Have you ever testified in court?
- 2) To your knowledge, has any judge, hearing officer or court ever found your testimony not credible or that you deliberately testified untruthfully?

Criminal Charges:

- 1) Have you ever been convicted of a crime? What, when, where?
- 2) Have you ever been arrested? What, when, where? What was the outcome?
- 3) To your knowledge, are you currently the subject or target of a criminal investigation? Where and what type?

Agency Investigations:

- 1) Have you ever been served with departmental Specs and Charges which resulted in a guilty finding or guilty plea? What were the findings and by what agency?
- 2) To your knowledge, are you currently under investigation by IAB for any type of misconduct? What is the nature of the misconduct?
- 3) Are there currently pending against you any unresolved Specs and Charges? What are they?

Civil Lawsuits:

- 1) To your knowledge, are you currently being sued for anything arising from your job as a police officer? What are the allegations and the status of the case?
- 2) (To be asked after showing the officer the list of Garrett-related lawsuit disclosures) In addition to these civil cases, are you aware of any other pending or past lawsuits arising from your job as a police officer? Describe those matters and the dispositions.

Social Media:

- 1) Have you posted anything about this case on social media, such as Facebook, Twitter, blogs, or forums?

Prior Dealings with the Defendant:

- 1) Other than during this investigation and/or arrest, have you had any contact or communication with this defendant, either on- or off-duty?

Other:

- 1) Are you aware of any other information that might be used to challenge your credibility or undermine your testimony in this case?
- 2) Do you have any concerns about your testimony in this case?

If the witness provides any responsive information to these questions, you should confer with a supervisor about any potential disclosure obligations.

APPENDIX B

Considerations for Case Preparation Questions for Police Officers

To prepare an officer for possible cross-examination questions and to determine if there is any Giglio material that may have to be disclosed, these are some questions that a prosecutor can ask a police officer in advance of the officer's testimony. It may be useful to explain to the officer that because of the easy access to information via the Internet, and the gathering of information about police officers by the defense, that the defense attorney may already have some or all of this information.

- Prior Testimony
 - Have you ever testified in court before?
 - Has a judge ever found your testimony to be not credible?
- Criminal Cases
 - Have you ever been convicted of a crime (misdemeanor or felony, not applicable to violations and ACD's)?
 - Do you have any pending criminal matters?
- Civil Allegations or Law Suits
 - Are you aware of any pending or settled civil law suits in either state or federal court where someone claimed that you were involved in misconduct or had acted dishonestly or fraudulently?
- Agency Investigations (CCRB, IAB, etc)
 - Have you ever been found to have engaged in any form of misconduct by your current agency, or any other agency?
 - To your knowledge, are you currently under investigation for any type of misconduct?
- Social Media:
 - Do you have any social media accounts that may contain information about this case?
 - Do you have any social media accounts that contain information that could be used against you when you testify?
- Miscellaneous:
 - Has any prosecutor, judge or agency official ever made public statements (in court or the media) about your reputation or character for truthfulness?
 - Have you made any prior statements that are inconsistent with the information you previously provided in this case?
 - Are you aware of any information that might suggest that you have a bias or prejudice with respect to this case?
 - Has your Agency made a sustained finding against you (or is there a pending investigation) for biased policing, racial profiling, malicious harassment, or any other conduct that suggests bias against a class of people (e.g. race, ethnicity, age, sexual orientation, gender, disability, economic status, or other personal characteristic)?