



RESOLUTION OF THE SHERIFF CIVILIAN OVERSIGHT COMMISSION

LOS ANGELES COUNTY SHERIFF CIVILIAN OVERSIGHT COMMISSION RESOLUTION RE *BRADY* LIST

WHEREAS the United States Supreme Court has held in a long line of cases, starting with *Brady v. Maryland*, 373 U.S. 83 (1963), that Due Process requires the prosecution to disclose materially exculpatory and impeachment evidence to the accused prior to trial;

WHEREAS in 2016 the Los Angeles County Sheriff's Department created a "*Brady* list" of 300 deputy sheriffs whose personnel files purportedly contain findings of serious misconduct that may impeach their credibility as prosecution witnesses at trial, and sought to give that *Brady* list to the Los Angeles County District Attorney's Office;

WHEREAS the California Supreme Court unanimously held in *ALADS v. Los Angeles Superior Court*, 8 Cal. 5th 28 (2019), that a sheriff may properly give a *Brady* "alert" to a district attorney's office and is not prohibited from maintaining a *Brady* list, in order to ensure full compliance with Due Process;

WHEREAS Chief Justice Cantil-Sakauye wrote for the entire court: "Law enforcement personnel are required to share *Brady* material with the prosecution. ... The harder it is for the prosecution to access the material, the greater the need for the deputies to produce it."

WHEREAS *Brady* violations are one of the leading causes of wrongful convictions and threaten the integrity and legitimacy of the criminal justice system in Los Angeles County;

WHEREAS *Brady* violations have also resulted in Los Angeles County paying myriad multi-million dollar settlements and judgments to exonerees pursuing civil rights lawsuits in connection with their wrongful convictions;

THEREFORE, BE IT RESOLVED that Sheriff Alex Villanueva should give the *Brady* list to the Los Angeles County District Attorney's Office.




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COUNTY OF LOS ANGELES

I, Brian K. Williams, Executive Director of the County of Los Angeles Sheriff Civilian Oversight Commission, do hereby certify that the above is true and correct copy of a Resolution duly adopted by the Los Angeles Sheriff Civilian Oversight Commission at its meeting held on October 22, 2019 and as same appears of record in the Official Minutes of said Commission.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Los Angeles Sheriff Civilian Oversight Commission this 22nd day of October 2019.



Brian K. Williams, Executive Director