



**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE June 4, 2024
TITLE Authorization to Enter into a Memorandum of Understanding with the Contra Costa County District Attorney's Office to Disclose Brady Information
DIVISION Public Safety
FROM Giorgio Chevez, Acting Police Captain
Roberto Filice, Assistant General Manager of Public Safety/Chief of Police
APPROVED Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize Public Safety to enter into a Memorandum of Understanding with the Contra Costa County District Attorney's Office (CCCDAO) to disclose so-called *Brady* information.

BACKGROUND

The CCCDAO has a constitutional and statutory obligation to disclose favorable, material evidence to the defense pursuant to *Brady v. Maryland* (1963) 373 U.S. 83. This can include impeachment information. Law enforcement agencies have a corollary duty to disclose such evidence to the prosecution so that the prosecution may meet its obligation. (*Association for Los Angeles Deputy Sheriffs v. Superior Court of Los Angeles* (2019) 8 Cal.5th 28.)

The obligation to disclose *Brady* information exists even if the prosecutor handling the case is personally unaware of the *Brady* information, but nevertheless such information exists in the files of any member of the prosecution team. Knowledge extends to all members of the "prosecution team" which generally consists of the District Attorney's Office, the law enforcement agency that investigated the case, and any agency or person who assists in the investigation or prosecution of the case.

To help ensure the CCCDAO can comply with its *Brady* discovery obligations, the CCCDAO has a "*Brady* Committee" consisting of senior members of the CCCDAO and answerable to the District Attorney. The *Brady* Committee relies on law enforcement to alert the CCCDAO to information about an employee of the law enforcement agency that may potentially constitute *Brady* information. *Brady* information includes information such as an officer being arrested for crimes of moral turpitude, an officer having a prior felony conviction or being on parole or probation, or an officer facing pending criminal charges.

ANALYSIS

Pursuant to the proposed MOU, the East Bay Regional Parks District Police Department and the CCCDAO would agree as follows:

1. EBRPD Police Department will designate an individual to act as liaison with the CCCDAO on *Brady* matters.
2. EBRPD Police Department is responsible for ensuring that potential *Brady* information known to the agency is conveyed to the CCDAO's *Brady* Committee.

FISCAL IMPACT

None.

ATTACHMENTS

None.



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 – 06 -
JUNE 4, 2024**

**AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING
WITH THE CONTRA COSTA COUNTY DISTRICT ATTORNEY'S OFFICE TO
DISCLOSE BRADY INFORMATION**

WHEREAS, the Contra Costa County District Attorney's Office (CCDAO) has a Constitutional and statutory obligation to disclose favorable, material evidence to the defense pursuant to Brady v. Maryland (1963) 373 U.S. 83, and Law Enforcement Agencies have a corollary duty to disclose such evidence to the prosecution so that it may meet its obligations. ; and

WHEREAS, to help ensure the CCDAO can comply with its Brady discovery obligations, the CCDAO relies on Law Enforcement to alert the CCDAO to information about an employee of the Law Enforcement Agency that may potentially constitute Brady information.

WHEREAS, the East Bay Regional Parks District Police Department and the CCDAO, agree as follows:

1. EBRPD Police Department will designate an individual to act as liaison with the CCDAO on Brady matters.
2. EBRPD Police Department is responsible for ensuring that potential Brady information known to the agency is conveyed to the CCDAO's Brady Committee; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorize the East Bay Regional Park District Police Department to enter into a Memorandum of Understanding with the Contra Costa County District Attorney's Office to disclose Brady Information as presented to the Board on June 4, 2024; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, and seconded by Director _____, and adopted June 4, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: