

Policy Number: 603 – Brady Disclosure
Effective Date: February 9, 2021
Revision Date: February 9, 2021
Approved By: Brandon Gatlin, Interim Chief of Police

603.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Montana State University Billings Police Department (Department) in identifying and releasing potentially exculpatory or impeachment information (so-called “Brady information”) to a prosecuting attorney.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

603.2 POLICY

This Department will conduct fair and impartial criminal investigations and provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

603.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information with reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially

