

FORT FAIRFIELD POLICE DEPARTMENT

Standard Operating Procedure

110 - TRUTHFULNESS & BRADY-GIGLIO

DISCLOSURE OBLIGATIONS

Effective Date	July 28, 2026
Legacy SOPs Replaced	SOP 71 – Giglio Information
Review Date	July 28, 2027
Policy Classification	Administrative
Authority	Chief of Police
Version	1.0

I. PURPOSE

The purpose of this policy is to establish agency expectations regarding truthfulness, integrity, and professional conduct and to ensure that the agency appropriately assists prosecutors in identifying and disclosing information that may be favorable to a criminal defendant, including information that may adversely affect the credibility of law enforcement officers who may be material witnesses in criminal prosecutions.

II. POLICY

It is the policy of this agency to uphold the highest standards of honesty, integrity, professionalism, and accountability. Officers shall be truthful in all aspects of their official duties. Any form of misrepresentation, untruthfulness, falsification, or dishonesty is prohibited except where expressly authorized by law and agency policy during legitimate investigative activities.

The agency shall cooperate with prosecutors in identifying and disclosing information that may constitute Brady / Giglio material, impeachment information, or other credibility-related information that may be subject to disclosure.

Officers shall comply with this policy and all applicable standards established by the Maine Criminal Justice Academy Board of Trustees.

III. DEFINITIONS

Bias: A prejudice, predisposition, animus, favoritism, or other improper influence that may affect an officer's objectivity, credibility, decision-making, testimony, or professional conduct.

Brady Material: Evidence favorable to a criminal defendant that is material to guilt, innocence, punishment, mitigation, or impeachment and that must be disclosed pursuant to Brady v. Maryland and related legal authority.

Credibility Information: Information that may reasonably call into question an officer's honesty, truthfulness, objectivity, reliability, bias, judgment, evidence handling, testimony, or professional conduct.

Giglio Material: Information that may adversely affect the credibility of a law enforcement officer who may be called as a witness in a criminal proceeding and that may be subject to disclosure pursuant to Giglio v. United States and related legal authority.

Impeachment Information: Information that may be used to challenge the credibility, truthfulness, reliability, bias, perception, recollection, conduct, or testimony of a witness.

Material Witness: A witness whose testimony may be significant to the investigation, prosecution, defense, or disposition of a criminal matter.

Officer: Any sworn law enforcement officer employed by or acting on behalf of the agency.

Prosecutor: A representative of the Office of the Attorney General, Office of the District Attorney, United States Attorney's Office, or other authorized prosecuting authority.

Sustained Finding: A determination following an investigation that an allegation is supported by sufficient evidence to conclude that the conduct occurred.

Truthfulness: Providing complete, accurate, and honest information and refraining from deception, misrepresentation, omission, falsification, or dishonest conduct except where expressly authorized by law and agency policy during lawful investigative activities.

Untruthfulness: Any intentional false statement, material omission, deception, falsification, misrepresentation, or dishonest conduct occurring in connection with official duties or responsibilities.

IV. LEGAL AUTHORITY

This policy is promulgated pursuant to 25 M.R.S. §2803-B and applicable standards established by the Maine Criminal Justice Academy Board of Trustees. Additional authority includes Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), 25 M.R.S. §§2806-A and 2807, and all other applicable federal and state laws governing officer conduct, certification, disclosure obligations, and prosecutorial responsibilities.

V. OPERATIONS

A. Truthfulness Expectations

Officers shall act truthfully, honestly, and without bias in all official duties, reports, records, testimony, investigations, communications, and interactions conducted under color of authority.

Officers shall not knowingly make false statements, intentionally omit material information, falsify records, alter evidence, create misleading documentation, or engage in conduct intended to deceive others regarding official matters.

B. Prohibited Conduct

Prohibited conduct includes knowingly making false statements, falsifying reports, records, applications, or agency documents, making materially misleading statements, concealing or omitting material information, misrepresenting facts during investigations or testimony, engaging in conduct that adversely affects an officer's credibility or integrity, and failing to disclose information required by law or agency policy.

C. Authorized Investigative Deception

Nothing in this policy prohibits the lawful use of deception during interviews, interrogations, undercover operations, or other authorized investigative activities when such conduct is otherwise lawful and consistent with agency policy.

D. Confidential Information

Officers shall not disclose information that is confidential by law, agency policy, court order, Maine Criminal Justice Academy Board of Trustees Rules, or other lawful authority unless properly authorized.

E. Officer Reporting Obligations

Officers shall promptly notify the Chief Executive Officer or designee, through the chain of command when appropriate, of any circumstance that may affect the officer's credibility, truthfulness, reliability, bias, certification status, or ability to testify.

This obligation includes arrests, criminal charges, criminal convictions, sustained findings involving truthfulness or credibility, court findings affecting credibility, evidence handling violations, and any circumstance that may reasonably constitute Brady or Giglio material.

F. Annual Giglio Inquiry

The Chief Law Enforcement Officer shall provide prosecuting authorities with information necessary to satisfy their constitutional obligations under *Brady v. Maryland* and *Giglio v. United States*. The agency shall promptly respond to lawful requests from prosecuting authorities and shall provide information regarding officer credibility or impeachment material in accordance with applicable law, prosecutorial guidance, and agency procedures.

The Chief Law Enforcement Officer shall annually report to the appropriate prosecuting authorities, utilizing forms or procedures acceptable to those offices, to facilitate compliance with *Brady/Giglio* disclosure obligations.

The agency shall promptly update its response whenever a material change occurs affecting information previously provided.

G. Agency Review of Credibility Information

The agency shall review information received concerning an officer's credibility, truthfulness, bias, criminal conduct, evidence handling, disciplinary history, testimony, or other relevant circumstances to determine whether disclosure to a prosecutor may be required.

The agency may consult with legal counsel, prosecutors, or other appropriate officials during the review process.

H. Notification to Officer

Before reporting potential Giglio or credibility information to a prosecutor, the agency shall notify the affected officer and provide an opportunity for the officer to respond or provide additional information unless prohibited by law, court order, or an ongoing investigation.

I. Prosecutorial Determinations

The ultimate determination regarding whether information must be disclosed in a criminal proceeding rests with the prosecutor.

Nothing in this policy limits the authority or discretion of a prosecutor regarding disclosure decisions required by law.

J. Recordkeeping

Records relating to Brady-Giglio inquiries, credibility reviews, disclosures, notifications, and related correspondence shall be maintained in accordance with applicable law, records retention requirements, and agency policy.

Access to such records shall be limited to authorized personnel with a legitimate need to know.

The Chief Executive Officer or designee shall document annual Brady-Giglio inquiries, prosecutorial notifications, credibility referrals, disclosure requests, and related administrative determinations maintained pursuant to this policy.

K. MCJA Reporting Requirements

If an officer, or an individual under consideration for employment as an officer, is convicted of a crime or engages in conduct requiring notification under 25 M.R.S. §2807, the Chief Executive Officer shall provide the required notification to the Maine Criminal Justice Academy within the period established by law.

L. Supervisory Responsibilities

Supervisors shall promptly report known or suspected violations of this policy through the chain of command and shall ensure that potential credibility concerns are properly documented and reviewed.

Supervisors shall not conceal, minimize, or fail to report information that may affect an officer's credibility or disclosure obligations.

M. Training

The agency shall provide training regarding truthfulness obligations, Brady and Giglio requirements, officer credibility issues, report writing, courtroom testimony, ethical decision-making, and disclosure responsibilities.

N. Administrative Review

The Chief Executive Officer or their designee shall periodically review agency practices concerning Brady and Giglio compliance, truthfulness expectations, disclosure procedures, annual inquiry submissions, and related training to ensure compliance with law, policy, and professional standards.

APPENDIX A

BOT & MLEAP STANDARDS CROSSWALK

Purpose, Policy and Legal Authority

Authority

25 M.R.S. § 2803-B – Mandatory Policies

25 M.R.S. §§ 2806-A and 2807 – Officer Certification and Reporting Requirements

Brady v. Maryland, 373 U.S. 83 (1963)

Giglio v. United States, 405 U.S. 150 (1972)

Addressed in: Sections I, II, V

Truthfulness and Professional Conduct

Authority

BOT 16-1 – Policy Statement

MLEAP 2.12 – Professional Conduct

MLEAP 2.14 – Truthful

Addressed in: Sections II, VI(A), VI(B)

Authorized Investigative Deception

Authority

BOT 16-2 – Authorized Investigative Activities

MLEAP 2.12 – Professional Conduct

Addressed in: Section VI(C)

Protection of Confidential Information

Authority

BOT 16-3 – Confidential Information

MLEAP 5.01 – Privacy and Security of Records

MLEAP 5.03 – Release of Information

Addressed in: Section VI(D)

Officer Reporting Obligations

Authority

BOT 16-4 – Officer Reporting Requirements

MLEAP 2.12 – Professional Conduct

MLEAP 2.14 – Truthful

Addressed in: Section VI(E)

Annual Giglio Inquiry

Authority

BOT 16-5 – Annual Law Enforcement Agency Giglio Inquiry

Addressed in: Section VI(F), Appendix B

Agency Review of Credibility Information

Authority

BOT 16-6 – Agency Review of Credibility Information

MLEAP 5.5.1 – Supervisory Responsibilities

Addressed in: Section VI(G)

Officer Notification

Authority

BOT 16-7 – Officer Notification

Addressed in: Section VI(H)

Prosecutorial Disclosure Determinations

Authority

BOT 16-8 – Prosecutorial Determinations

Brady v. Maryland, 373 U.S. 83 (1963)

Giglio v. United States, 405 U.S. 150 (1972)

Addressed in: Section VI(I)

Records Management and Confidentiality

Authority

MLEAP 5.01 – Privacy and Security of Records

MLEAP 5.02 – Records Retention

MLEAP 5.03 – Release of Information

Addressed in: Section VI(J)

MCJA Reporting Requirements

Authority

25 M.R.S. §§ 2806-A and 2807 – Officer Certification and Reporting Requirements

Addressed in: Section VI(K)

Supervisory Responsibilities

Authority

MLEAP 5.5.1 – Supervisory Responsibilities

Addressed in: Section VI(L)

Training

Authority

MLEAP 3.06 – In-Service Sworn Officer Training

Addressed in: Section VI(M)

Administrative Review

Authority

MLEAP 1.01 – Written Directive System

MLEAP 5.5.1 – Supervisory Responsibilities

Addressed in: Section VI(N)

APPENDIX B

LAW ENFORCEMENT AGENCY BRADY-GIGLIO INQUIRY

*(Available for use unless a specific form is required by your District
Attorney's Office)*

Agency: _____

Based upon a review of agency records and information available to the agency, indicate whether any of the following circumstances apply:

☐ YES ☐ NO

Have there been allegations investigated by the agency that were sustained and resulted in discipline against an agency employee that reflected adversely upon the employee's reliability, truthfulness, bias, ability to accurately observe, recall, report, or testify, handling of evidence, or compliance with agency policy?

☐ YES ☐ NO

Has any agency employee ever been convicted of a crime?

☐ YES ☐ NO

Has any agency employee been charged with a crime that reflects adversely upon reliability, truthfulness, bias, evidence handling, reporting, testimony, or compliance with agency policy?

☐ YES ☐ NO

Is there any pending investigation involving alleged misconduct that may adversely affect an employee's credibility or reliability?

☐ YES ☐ NO

Has a prosecutor, magistrate, hearing officer, judge, or court ever made a finding or allegation that adversely reflected upon an employee's truthfulness, reliability, bias, testimony, evidence handling, reporting, or compliance with agency policy?

☐ YES ☐ NO

Is there information indicating an impaired ability or bias affecting an employee's ability to perceive, recall, report, or testify accurately?

☐ YES ☐ NO

Has an employee resigned from or been hired by the agency after being accused of misconduct affecting credibility, truthfulness, evidence handling, reporting, testimony, or compliance with policy?

☐ YES ☐ NO

Is there any other information contained in agency records that may reasonably raise concerns regarding an employee's credibility, reliability, truthfulness, bias, evidence handling, reporting, testimony, or pattern of conduct?

If any question is answered "YES," identify the employee(s), provide a description of the circumstances, and attach supporting documentation as appropriate.

Prepared By: _____

Title: _____

Date: _____

Chief Executive Officer: _____

Date: _____