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## **Criminal Justice Leaders Rally Behind Efforts to Identify Police Officers with Credibility Problems**

### *Fifty-Nine Criminal Justice Leaders Support St. Louis Circuit Attorney's Creation of a Brady List to Strengthen Integrity of Prosecutions*

**ST. LOUIS** – Last week, a group of 59 current and former elected prosecutors and law enforcement leaders joined Fair and Just Prosecution in underscoring a prosecutor's obligation to protect the integrity of the justice system. These criminal justice leaders offered their support to St. Louis Circuit Attorney Kim Gardner's creation of a confidential *Brady* list that identifies law enforcement officials with credibility issues who are unfit to serve as witnesses, noting that this process is a well-established best practice employed by prosecutors throughout the nation.

"An elected prosecutor's most important duty is to protect the integrity of the justice system. Allowing law enforcement officers with known credibility issues to influence charging decisions or reach the witness stand would be a dereliction of that duty," said **Miriam Krinsky**, executive director of [Fair and Just Prosecution](#), a national nonprofit that works with reform-minded prosecutors around the nation. "Creating and maintaining a *Brady* list is a recognized way to strengthen community trust, meet prosecutors' moral and ethical obligations as ministers of justice and, ultimately, to make communities safer."

When police officers refer cases to a prosecutor's office, their testimony and role in the investigation may be a significant factor in a prosecutor's weighty decision to file charges and prosecute a case. *Brady* lists – also known as "exclusion" or "do not call" lists – allow prosecutors to implement an orderly process for tracking information on officers who may not be able to serve as credible witnesses due to serious allegations of making false statements, having used excessive force or having engaged in other questionable behavior.

A shared belief in the value and importance of *Brady* lists prompted current and former elected prosecutors, law enforcement leaders and former Department of Justice officials from across the nation to sign on to a [statement](#) explaining that "the creation of a *Brady* list ... is a necessary and recognized way to meet the prosecutor's important role and ethical obligations as a minister of

justice.” A total of 59 criminal justice leaders signed on to the statement, including a dozen current and former law enforcement leaders such as **Police Chiefs Chris Magnus** (Tucson, Arizona), **Sylvia Moir** (Tempe, Arizona), **Peter Volkmann** (Chatham, New York), and **Sheriff Jerry L. Clayton** (Washtenaw County, Michigan).

“Law enforcement officers are public servants who have a duty to serve communities honorably and with the utmost of integrity,” said **Police Chief Chris Magnus**. “We have an obligation to limit the influence of anyone who fails to meet this high standard, thereby eroding community trust. *Brady* lists help maintain the reputation of our profession, and our communities are safer when individuals trust law enforcement and have faith in the integrity of the justice system.”

Twenty-seven current elected prosecutors also signed the statement, including **State Attorney Aramis Ayala** (Ninth Judicial Circuit, Florida) and **District Attorneys Diana Becton** (Contra Costa County, California), **John Creuzot** (Dallas County, Texas), **Satana Deberry** (Durham County, North Carolina), **Michael Dougherty** (20<sup>th</sup> Judicial District, Colorado), **Mark Dupree** (Wyandotte County, Kansas), **Joe Gonzales** (Bexar County, Texas), **Mark Gonzalez** (Nueces County, Texas), **Larry Krasner** (Philadelphia, Pennsylvania), **Beth McCann** (Second Judicial District, Colorado), **Kim Ogg** (Houston, Texas), **Rachael Rollins** (Suffolk County, Massachusetts) and **Tori Verber Salazar** (San Joaquin County, California). (A full list of signators is below.) Many of the elected prosecutors who signed the statement have *Brady* lists or similar processes in place in their own offices.

**Former Solicitor General Seth Waxman**, another signatory to the statement, noted: “The *Brady* obligation dates back to 1963, is well established case law and is non-negotiable.”

**Dan Satterberg**, a veteran prosecutor and Prosecuting Attorney of King County, Washington, similarly underscored the duty of prosecutors to implement these well-settled ethical and legal obligations: “*Brady* lists have been an essential tool used by prosecutors for decades. While law enforcement officers are certainly entitled to a fair process, resistance by unions or others does not excuse the Prosecutor’s duty to protect the integrity of the justice system.”

Circuit Attorney Gardner notified the St. Louis Police Department in August 2018 that she had created a *Brady* list with the intention of having further discussions around creating a fair process that protects officer privacy and provides a pathway for removal from the list where appropriate. Her efforts have been met with opposition from the St. Louis Police Union.

The full statement is available [here](#).

## List of Signatories

### **Roy L. Austin**

Former Deputy Assistant to the President for Urban Affairs, Justice and Opportunity, White House Domestic Policy Council

Former Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice

**Aramis Ayala**

State Attorney, Ninth Judicial Circuit, Florida

**Chiraag Bains**

Former Senior Counsel to the Assistant Attorney General, Civil Rights Division, U.S. Department of Justice

Former Trial Attorney, Criminal Section, Civil Rights Division, U.S. Department of Justice

**Branville Bard**

Commissioner, Cambridge Police Department, Massachusetts

**Diana Becton**

District Attorney, Contra Costa County, California

**Shay Bilchik**

Former Associate Deputy Attorney General and Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

Former Chief Assistant State Attorney, 11th Judicial Circuit, Florida

**Sherry Boston**

District Attorney, DeKalb County, Georgia

**Kim Cheney**

Former Attorney General, Vermont

**John T. Chisholm**

District Attorney, Milwaukee County, Wisconsin

**Jerry L. Clayton**

Sheriff, Washtenaw County, Michigan

**Scott Colom**

District Attorney, Sixteenth Circuit, Mississippi

**Brendan Cox**

Former Police Chief, Albany, New York

**John Creuzot**

District Attorney, Dallas County, Texas

**Satana Deberry**

District Attorney, Durham County, North Carolina

**Michael Dougherty**

District Attorney, 20th Judicial District, Colorado

**Mark Dupree**

District Attorney, Wyandotte County, Kansas

**Lisa Foster**

Former Director, Office for Access to Justice, U.S. Department of Justice

**George Gascón**

District Attorney, San Francisco, California

**Sarah F. George**

State's Attorney, Chittenden County, Vermont

**Joe Gonzales**

District Attorney, Bexar County, Texas

**Mark Gonzalez**

District Attorney, Nueces County, Texas

**Christian Gossett**

District Attorney, Winnebago County, Wisconsin

**Vanita Gupta**

Former Head of the Civil Rights Division, U.S. Department of Justice

**Andrea Harrington**

District Attorney, Berkshire County, Massachusetts

**Robert J. Hoffman**

Former Police Chief, Plainfield, Connecticut

**John Hummel**

District Attorney, Deschutes County, Oregon

**Lawrence S. Krasner**

District Attorney, Philadelphia, Pennsylvania

**Miriam Aroni Krinsky**

Executive Director, Fair and Just Prosecution

Former Assistant U.S. Attorney, Criminal Appellate Chief and Chief, General Crimes, Central District of California

Former Chair, Solicitor General's Criminal Appellate Advisory Group

**Chris Magnus**

Police Chief, Tucson, Arizona

**James Manfre**

Former Sheriff, Flagler County, Florida

**Beth McCann**

District Attorney, Second Judicial District, Colorado

**Mary McCord**

Former Acting Assistant Attorney General and Principal Deputy Assistant Attorney General for National Security, U.S. Department of Justice  
Former Assistant U.S. Attorney and Chief, Criminal Division, District of Columbia

**Daniel Meloy**

Former Police Chief, Colerain Township, Ohio

**Spencer Merriweather**

District Attorney, Mecklenberg County, North Carolina

**Brian Middleton**

District Attorney, Fort Bend County, Texas

**Sylvia Moir**

Police Chief, Tempe, Arizona

**Steve Moore**

Former Police Chief, Hurst, Texas

**Stephanie Morales**

Commonwealth's Attorney, Portsmouth, Virginia

**Marilyn Mosby**

State's Attorney, Baltimore City, Maryland

**Tina Nadeau**

Chief Justice, New Hampshire Superior Court  
Former Assistant Attorney General, New Hampshire

**Bill Nettles**

Former U.S. Attorney, District of South Carolina

**Kim Ogg**

District Attorney, Harris County, Texas

**Jerome O'Neill**

Former Acting U.S. Attorney, Vermont

**Channing Phillips**

Former U.S. Attorney, District of Columbia  
Former Senior Counselor to the Attorney General, U.S. Department of Justice  
Former Deputy Associate Attorney General, U.S. Department of Justice

**Rachael Rollins**

District Attorney, Suffolk County, Massachusetts

**Jeff Rosen**

District Attorney, Santa Clara County, California

**Marian Ryan**

District Attorney, Middlesex County, Massachusetts

**Tori Verber Salazar**

District Attorney, San Joaquin County, California

**Dan Satterberg**

Prosecuting Attorney, King County, Washington

**Ronal Serpas**

Co-Chairman, Law Enforcement Leaders to Reduce Crime & Incarceration

Former Police Superintendent, New Orleans, Louisiana

Former Chief, Metropolitan Nashville, Tennessee

Former State Patrol Chief, Washington

**Carol A. Siemon**

Prosecuting Attorney, Ingham County, Michigan

**Norm Stamper**

Former Police Chief, Seattle, Washington

**Carter Stewart**

Former U.S. Attorney, Southern District of Ohio

**David E. Sullivan**

District Attorney, Northwestern District, Massachusetts

**Betty Taylor**

Former Police Chief, Winfield, Missouri

**Raúl Torrez**

District Attorney, Bernalillo County, New Mexico

**Joyce Vance**

Former U.S. Attorney, Northern District of Alabama

**Peter Volkmann**

Police Chief, Chatham, New York

**Seth Waxman**

Former Solicitor General of the United States, U.S. Department of Justice

*Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP's work, visit <http://www.fairandjustprosecution.org/> or follow us on Facebook [@FairAndJustProsecution](#).*