

Subject Brady-Giglio Designations

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Overview

This bill seeks to regulate the process by which prosecuting agencies place and remove peace officers from Brady-Giglio lists. Prosecutors designate peace officers as Brady-Giglio impaired when there is evidence that the officer has acted untruthfully, unlawfully, or otherwise is not candid. If a prosecutor is going to rely on an officer with a Brady-Giglio designation to prosecute a case, the prosecutor must disclose to the accused the evidence that warranted the Brady-Giglio designation. Failure to disclose Brady-Giglio evidence can result in a court excluding key prosecutorial evidence, mistrials, and the prosecutor being disciplined.

Summary

Section	Description
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1	Brady-Giglio.
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Subd. 1. Definition. Defines the term “Brady-Giglio designation” for purposes of this section as “a designation made or list compiled by a prosecuting agency containing the names and details of peace officers who have sustained documented incidents of untruthfulness, criminal convictions, or candor issues.”

Subd. 2. Confidential employment data. Requires an employer of a peace officer to retain the peace officer’s “statements, recordings, and transcripts of any interviews or disciplinary proceedings, and any complaints made against a peace officer as private data on individuals.”

Subd. 3. Employee data request. Requires the employer of a peace officer to provide the peace officer a copy of the officer’s personnel file and training records at any time.

Section Description

Subd. 4. Officer discipline.

Para. (a). Prohibits the employer of a peace officer from discharging, disciplining, or threatening to discharge or discipline the officer “solely” due to a prosecuting agency determining that the officer is “Brady-Giglio” impaired.

Para. (b). Authorizes the employer of a peace officer to investigate the underlying circumstances or events that caused a prosecuting agency to place the peace officer on a Brady-Giglio list.

Subd. 5. Prosecuting agency policy.

Para. (a). Requires prosecutors to provide a peace officer and the officer’s employer notice when the officer’s credibility is addressed in a judicial order.

Para. (b). Requires prosecuting agencies that designate peace officers as Brady-Giglio impaired to adopt a policy that includes:

- the criteria used by the agency to designate peace officers as Brady-Giglio impaired (dictates what criteria may not be used to make a Brady-Giglio determination);
- procedures for notifying an officer prior to the agency designating the officer as Brady-Giglio impaired;
- procedures for notifying an officer and the officer’s employer of the agency’s decision to designate the officer as Brady-Giglio impaired; and
- procedures and timelines for the officer to request reconsideration of a Brady-Giglio designation and for the agency to rule on the officer’s request.

Para. (c). Requires prosecuting agencies to provide written notice to a peace officer prior to designating the officer as Brady-Giglio impaired and the notice must provide the officer with an explanation of the officer’s right to challenge the designation.

Para. (d). Requires prosecuting agencies to provide written notice to a peace officer of the agency’s determination to designate the officer as Brady-Giglio impaired and the notice must provide the officer with an explanation of the officer’s right to challenge the designation.

Para. (e). Authorizes a peace officer to request a court to review a prosecuting agency’s Brady-Giglio designation and establishes timelines and standards of review for the court responsible for hearing a Brady-Giglio designation challenge.

Section **Description**

Para. (f). Authorizes officers who were designated Brady-Giglio impaired prior to the effective date of this section to request reconsideration of that designation.

Para. (g). Declares that this subdivision does not impact the duty of a prosecuting agency to produce Brady-Giglio evidence.

Para. (h). Declares that prosecuting agencies may unilaterally remove a peace officer's Brady-Giglio designation if the agency concludes the designation is no longer appropriate.

Subd. 6. Release of information. Requires prosecuting agencies to keep a peace officer's personnel file and related materials confidential and not release the information to the public unless the officer provides written consent to disclose the information.



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