



OFFICE OF  
**THE STATE'S ATTORNEY**  
JUDICIAL DISTRICT OF NEW BRITAIN  
20 FRANKLIN SQUARE  
NEW BRITAIN, CONNECTICUT 06051  
PHONE (860) 515-5270 FAX (860) 515-5266

## **fliemorandum**

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**TO:** All Prosecutors  
**FROM:** Brian Preleski  
**DATE:** October 10, 2013  
**SUBJECT:** Giglio Policy

### **Policy Regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses ("Giglio Policy")**

The purposes of this policy are to ensure that prosecutors receive sufficient information to meet their obligations under *Giglio v. United States*, 405 U.S. 150 (1972), and ensure that the due process rights of accused individuals are protected, while protecting the legitimate privacy rights of Law Enforcement Agency employees. The exact parameters of potential impeachment information are not easily determined. Potential impeachment information, however, has been generally defined as impeaching information which is material to the defense. It also includes information that either casts a substantial doubt upon the accuracy of any evidence—including witness testimony—the prosecutor intends to rely on to prove an element of any crime charged, or might have a significant bearing on the admissibility of prosecution evidence. This information may include but is not strictly limited to: (a) specific instances of conduct of a witness for the purpose of attacking the witness' credibility or character for truthfulness; (b) evidence in the form of opinion or reputation as to a witness' character for truthfulness; (c) prior inconsistent statements; and (d) information that may be used to suggest that a witness is biased.

Requests will not generally be made until a case is ready to proceed to trial. Requests will only be made to Chief Law Enforcement Officers. When a prosecutor determines that it is necessary to request potential impeachment information from a Chief Law Enforcement Officer relating to an agency employee identified as a potential witness or affiant ("the employee") in a specific criminal case or investigation, a request will be made only by a prosecutor to the local Chief of Police using the letter attached to this policy.

## Exemplar of Letter to Chief

[Chief of Police]

RE: [Name(s) of Officers]

Dear Chief [Name]:

I have identified the above-named officers as potential witnesses in State of Connecticut v. [Name of Defendant]. I anticipate that the trial of this matter will begin on [Date]. I am writing to request that you provide me with any potential impeachment material contained in the records of your agency. In particular, I am required to disclose information relating to: (a) any finding of misconduct that reflects upon truthfulness or possible bias, including a finding of untruthfulness during an administrative inquiry; (b) any past or pending criminal charges; and (c) any credible allegation of misconduct that reflects upon truthfulness or possible bias. Please note that allegations that cannot be substantiated, are not credible, or have resulted in exoneration generally are not considered to be potential impeachment information and need not be disclosed.

Should you have any questions please feel free to contact me or State's Attorney Brian Preleski. Thank you in advance for your anticipated cooperation.

Cordially,

[Name of Prosecutor]