

BELOW IS OUR (BRADYCOPS.ORG) EMAIL THREAD WITH HILL COUNTY ATTORNEY JESSICA COLE-HODGKINSON. THIS PROSECUTOR APPEARS TO HOLD THE POSITION THAT IF HER JURISDICTION HAD BRADY COPS – THAT THESE POLICE OFFICERS PRIVACY RIGHTS OUT WEIGH THE PUBLIC’S RIGHT TO KNOW OF THEIR MISCONDUCT.

THE PROSECUTOR FURTHER FAILED TO ASSURE US THAT THEY COMPLY WITH THE BRADY AND GIGLIO MANDATES.

IN OUR EFFORTS – WE DID PROVIDE THIS PROSECUTOR WITH OUR PERSONAL INFORMATION – THINKING THAT THIS WOULD PROVIDE HER WITH THE “sufficient information” HER OFFICE NEEDED “to act upon” OUR “ request” - HOWEVER THIS DID NOT RESOLVE HER ISSUE. WE HAVE REDACTED OUR PERSONAL INFORMATION FROM THIS EMAIL THREAD.

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Jessica:

Your response is no way discourages our (BradyCops.Org) efforts - rather quite the opposite - it encourages our resolve.

One of our goals is to provide our readers with established "Brady Lists". However, we strive for a secondary goal as well - which is - to identify prosecutors offices (nationwide) that maintains no Brady list - AND at the same time can not articulate how they comply with the Brady and Giglio mandates.

In all honesty - some of your other Montana prosecutors have advised us that they don't compile a Brady list due to their small jurisdiction - that they know their police officers - and none meet the qualifications as Brady Cops - which is very common - and very understandable.

You on the other hand have opened - and we suspect released - a whole new genie from his or her bottle. You appear to hold the position that the privacy of known police officers with credibility issues are more important than the public's right to know about those credibility / veracity issues. We (BradyCops.Org) are not entirely sure that your position is supported by either the Montana Constitution or relative Montana law (Our opinion). In fact - we (BradyCops.Org) are not convinced that you have comply with Montana law by identifying - which particular statutory / constitutional provisions you are referencing in support of your refusal to provide us with the requested record. Rather - you encourage us to conduct our own research and / or seek legal advice. (see your statement in your first response - "..... Montana Code Annotated (for example, while there may be other applicable sections, please review the appropriate provisions of Titles 2, 44, 45, and 46)")

We (BradyCops.Org) will shortly be updating our posting regarding Hill County, Montana - inclusive to our posting will be our email communications (as of date). We will allow the public, to include those in the legal community to determine for themselves whether Hill County's stance on the issue is legally sufficient.

Regards,

Editor - BradyCops.Org

editor@BradyCops.Org

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I don't want to discourage you, but I still can't comply with your request. In Montana, the public's right to know is balanced against the protections of individual privacy that are also enshrined in the State's constitution – you'll need to review the laws I suggested in my previous email or consult with someone in a position to give you legal advice if you want to pursue this further. I am prohibited from giving you legal advice.

Jch

February 7, 2018

Request for Records:

Jessica Cole-Hodgkinson

Hill County Attorney

315 4th Street

Havre, MT 59501

(406) 265-5481, ext. 211

colej@co.hill.mt.us

Dear Jessica:

Under the **Montana Public Records Act § 2-6-101 et seq.**, I am requesting to obtain copies of records **for any list(s) your office has compiled, maintains or references in the identification of police officers from within your jurisdiction whom would be commonly classified as “Brady Cops” or “Giglio Cops”.**

Our (BradyCops.Org) classification of the term “Brady / Giglio Cops” would include police officers that have a known history of misconduct that would call into question their veracity. So much so, that their lack of veracity could be reportable exculpatory evidence to the criminal defendant, in compliance with the mandates of the following U.S. Supreme Court decisions:

Brady v. Maryland 373 U.S. 83 (1963)
Giglio v. United States, 405 U.S. 150 (1972)

If there are any fees for these records, please inform me if the cost will exceed \$ 20.00. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding whether your office complies with the Brady and Giglio mandates.

BradyCops.Org's goal is to develop a nationwide database containing all available "Brady / Giglio Cop" lists held by US prosecutors. We, intend to publish all of Montana State Brady lists within the below linked web page.

<http://bradycops.org/states/montana.html>

Secondarily, our goal is to make the public aware of jurisdictions that do not maintain a Brady / Giglio Cop list – and openly question – absent an explanation – of how those jurisdictions honestly comply with the reporting mandates of the Brady & Giglio decisions.

Therefore, should your office not maintain a Brady / Giglio Cop list – we would request that your office provide us with a written explanation of how it complies with the mandates of the Brady & Giglio decisions. This written explanation will be published in lieu of a Brady list.

This information is not being sought for commercial purposes.

Should your office deny any or all of this request, please cite each specific exemption you feel that justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Please use our below email address as our point of contact.

Thank you for considering my request.

Sincerely,

Editor

<http://www.BradyCops.Org>

Editor@bradycops.org

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On 02/07/2018 02:03 PM, Jessica Cole wrote:

Dear Editor@BradyCops.Org,

Thank you for your email. The State of Montana recognizes the importance of public participation; access to public records is guaranteed in the Montana Constitution (see Article II, Part 2, Section 9). That access is not, however, without restriction or limitation. Rules, limitations, and procedures related to the dissemination of public records are found in various places throughout Montana Code Annotated (for example, while there may be other applicable sections, please review the appropriate provisions of Titles 2, 44, 45, and 46).

At this time, your email does not appear to contain sufficient information for my office to act upon your request. You are welcome to submit additional requests, but please ensure that you comply with statutory requirements, or my office will remain unable to provide you with what you are seeking.

Sincerely,

jch

Jessica Cole-Hodgkinson

Hill County Attorney

315 4th Street

Havre, MT 59501

(406) 265-5481, ext. 211

colej@co.hill.mt.us

February 5, 2018

Dear Montana Prosecutors:

We, BradyCops.Org, file this public record request for any list(s) your office has compiled, maintains or references in the identification of police officers within your jurisdiction whom would be commonly classified as “Brady Cops” or “Giglio Cops”.

Our classification of the term “Brady / Giglio Cops” would include police officers that have a known history of misconduct that would call into question their veracity. So much so, that their lack of veracity could be reportable exculpatory evidence to the criminal defendant, in compliance with the mandates of the following U.S. Supreme Court decisions:

Brady v. Maryland 373 U.S. 83 (1963)
Giglio v. United States, 405 U.S. 150 (1972)

Our (BradyCops.Org) goal is to develop a nationwide database of all available “Brady / Giglio Cop” lists held by US prosecutors. We, intend to publish all Montana State Brady lists within the below linked web page.

<http://bradycops.org/states/montana.html>

Secondarily, our goal is to make the public aware of jurisdictions that do not maintain a Brady / Giglio Cop list – and openly question how those jurisdictions honestly comply with the reporting mandates of the Brady & Giglio decisions. Therefore, should your office not maintain a Brady / Giglio Cop list – we would request that your office provide us with a written explanation of how it complies with the mandates of the Brady & Giglio decisions. This written explanation will be published in lieu of a Brady list.

We anticipate that defense attorneys within your jurisdiction will either confirm, or challenge your written explanation.

Given past events (Baltimore, MD - Ferguson, MO., etc.) we are confident that your office can appreciate the public interest in whether their prosecuting attorneys' are properly vetting out the credibility of our nation's law enforcement officers.

Please use the below listed email address as our point of contact. Further, please notify us in advance of any costs that are associated with our request for public record. Electronic format – via email, is our preferred method of receiving the requested records.

Regards;

<http://BradyCops.Org>
Editor@BradyCops.Org