

From: HAROLDSON John <John.M.HAROLDSON@co.benton.or.us>

To: 'Editor BradyCops.Org' <editor@bradycops.org>

Subject: RE: Brady List - Public Record Request

Date: Wed, 10 Dec 2014 00:11:23 +0000 (12/09/2014 07:11:23 PM)

Dear Bradycops.org Representative:

As you can see from the email string below, you made a public records request, and I responded that we did not currently have the public records you were requesting. At no time did I condition my response to your request on your revealing your identity. To the contrary, I pointed out that I respected your wish not to identify yourself.

When engaging in discussions that go beyond the scope of turning over public records (like explaining why we don't currently have a Brady list in public record form), I personally like to know who I am talking to. It is simply a matter of professional courtesy, nothing more.

I will add that I am a bit taken aback by the insulting tone of your last email. Your insinuations appear to be non-responsive and misplaced in the context of our prior exchange. That said, email does have its limitations and often times proper context is lost via this form of communication.

In an effort to add a bit more context, I would point out that the creation of Brady-list-public-records in Oregon is relatively new, following the enactment of State law that codified the Federal standards. The passage of this State law inspired a more formal process for identifying Brady material to provide to the defense. The Benton County District Attorney's Office serves a relatively small jurisdiction. We have a strong history of being proactive in identifying and providing Brady information to the defense. In addition, we have been in the process of implementing the more formal Brady-list protocol. As a result, I expect we will soon have a Brady-list in public record form, however, it is still in process. I think you will find this is a fluid process with lists growing along with the passage of time, and that the lists you request tomorrow will not be the same as the lists you request today. (In fact, it may behoove you to resubmit this request in 30 days to see if there have been new lists formed or additional names added to existing lists). In either case, we are not calling or depending upon any witnesses with a known history of misconduct that would call into question their veracity.

I don't know if this additional context is helpful, but I have offered it up to give you a better sense of why the clarification options you proposed were not applicable.

John M. Haroldson  
Benton County District Attorney