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STATE POLITICS

NC releases first full-year tally of police 'Scarlet' letters issued due to distrust

BY VIRGINIA BRIDGES

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A candlelight vigil for George Floyd was held at the conclusion of the ninth day of protests for racial justice and police reform on the State Capital grounds in Raleigh, N.C., on Sunday, June 7, 2020. ROBERT WILLETT rwillett@newsobserver.com



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Last year, 15 sworn officers in North Carolina received damning letters declaring that prosecutors found them too untrustworthy to testify in court, according to the first full-year tally released by the state.

For years, [reporters and criminal justice advocates](#) have been working to bring some transparency to the process and the letters, which district attorneys and others have said for years aren't public records.

A 2021 bipartisan criminal justice reform bill that sought to better track bad cops and excessive use of force by officers, however, for the first time required officers to report the designation to state officer standards commissions, which now submit annual reports to the General Assembly.

The 2022 reports provide few details. They don't include officer names, employers or reasons for the distrust. They do note whether officers were disciplined by a state standards and training commission.

The reporting and disclosure, however, could be going away once again.

[A bill working its way](#) through the General Assembly seeks to repeal the requirement for officers and others to report such letters to state officer training commissions

FLAGGING UNRELIABLE COPS

Police officers' credibility is essential. Often they are the only witnesses for charges that can range from traffic tickets to felony charges.

A typical defense for severe felony charges involves attacking the police investigation itself, yet another reason that prosecutors need a trustworthy officer on the stand.

So when district attorneys issue what is known as Giglio letters labeling an officer no longer trustworthy to testify, it is often career-ending designation.

"There is no greater 'badge of infamy' for law enforcement officers than a Giglio letter," Jeff Warren, a private attorney who represents law enforcement officers across the state, wrote in [a Wake Forest Law Review](#) article last year.

[The North Carolina Criminal Justice Education and Training Standards Commission](#), which oversees police officer certifications, reported 11 notifications in 2022.



Instructor is Arron Stevens, top, trains law enforcement officers in compliance and control techniques related to use of force at the North Carolina Justice Academy in Salemburg Tuesday, Feb. 8, 2022. Travis Long tlong@newsobserver.com

Eight of the individuals are no longer employed by the departments, and were still under review to determine whether officers violated statewide rules and should face sanctions, such as a suspension or revocation of their certification, according to the report.

The [North Carolina Sheriffs' Education and Training Standards Commission](#), which oversees deputies, reported that four individuals working for sheriff offices received the letters.

Two officers remain employed, the report states. All of the cases are under review.

Both reports were dated Feb. 28.

'DEATH LETTERS'

U.S. Supreme Court rulings since 1963 have required prosecutors to disclose relevant evidence that could raise questions about witnesses' credibility, bias or motivation.

In some cases, district attorneys issue Giglio letters to an officer's employer that says the officer has been deemed not credible and is barred from testifying in that jurisdiction.

A section of a 2021 criminal justice reform law required that such letters be reported to the state's two training and standards commissions that oversee the certification of police officers, deputies and others across the state.

The respective commissions review Giglio letters looking for violations of their rules, which can lead to suspension or revocations of officers' certification.

The law also required agencies to report annually the total reported violations to the Joint Legislative Oversight Committee on Justice and Public Safety.

Virginia Bridges covers criminal justice in the Triangle and across North Carolina for The News & Observer. Her work is produced with financial support from the nonprofit The Just Trust. The N&O maintains full editorial control of its journalism.

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