


SANTA CLARA COUNTY
POLICE CHIEFS' ASSOCIATION

**PROTOCOL FOR HANDLING UVISA
CERTIFICATION REQUESTS FOR
LAW ENFORCEMENT
2012**

Adopted: October 11, 2012



California Highway Patrol	Amanda Snowden, Captain
Campbell Police Department	Greg Finch, Chief
Gilroy Police Department	Denise Turner, Chief
Los Altos Police Department	Tuck Younis, Chief
Los Gatos/Monte Sereno Police Department	Scott Seaman, Chief
Milpitas Police Department	Dennis Graham, Chief
Morgan Hill Police Department	David Swing, Chief
Mountain View Police Department	Scott Vermeer, Chief
Palo Alto Police Department	Dennis Burns, Chief
San Jose Police Department	Christopher Moore, Chief
San Jose State University Police Department	Peter Decena, Chief
Santa Clara County District Attorney's Office	Jeffrey F. Rosen, District Attorney
Santa Clara County Sheriff's Office	Laurie Smith, Sheriff
Santa Clara County Dept. of Corrections	John Hirokawa, Chief
Santa Clara Police Department	Kevin Kyle, Chief
Sunnyvale Department of Public Safety	Frank Grgurina, Chief
 Greg Finch	<u>10/11/12</u> Date
Chair, Police Chiefs' Association of Santa Clara County	

Santa Clara County Police Chiefs' Association Invited Guests

Federal Bureau of Investigations

John F. Bennett, ASAC

Santa Clara County District Attorney's Office

Peter Oliver, Chief of Investigations

POLICY STATEMENT

Prosecutors have an ethical, statutory, and constitutional duty to disclose to the defense exculpatory evidence that is in the possession of a member of the prosecution team. Exculpatory evidence includes any evidence that is favorable to a defendant and is material to either guilt or punishment.

In order to comply with the prosecution's discovery obligations, a procedure is necessary to ensure that Santa Clara County law enforcement agencies notify the District Attorney's Office when they receive requests to certify UVISAS. The following is the protocol that is adopted in Santa Clara County:

1. If a law enforcement agency receives a request to certify or recertify a UVISA and that agency has previously submitted the associated criminal case to the District Attorney's Office, or intends to submit the case to the District Attorney's Office, the law enforcement agency shall forward the UVISA certification request and documents to the designated person/persons at the District Attorney's Office.
2. If a law enforcement agency receives a request to certify or recertify a UVISA and that agency has closed the case without submitting it to the District Attorney's Office, the agency shall make the certification decision. The Agency shall then notify the designated person/persons at the District Attorney's Office. The notification shall include the name and date of birth of the person/persons applying for the UVISA and the agency's decision regarding certification. The notification shall include the agency case number and shall include a brief reason for the agency's decision.

The following Santa Clara County law enforcement agencies have agreed, by signing the following page, to the aforementioned protocol.

This protocol will remain in effect unless and until replaced by a new protocol.