UNITED STATES DEPARTMENT OF JUSTICE

United States Attorney
District of Idaho

CRIM-08
GUIDELINES AND PROCEDURES

April 12, 1996
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SUBJECT: **DISCOVERY POLICY**

1. PURPOSE

The purpose of this bulletin is to establish a methodical approach to consideration of discovery obligations that Assistants United States Attorney (AUSAs) should follow in every case.

2. SCOPE

This information is of interest to Criminal Division Assistant United States Attorneys (AUSAs) in the District of Idaho. It provides prospective guidance only and is not intended to have the force of law or to create or confer any rights, privileges, or benefits. *See United States v. Caceres*, 440 U.S. 741 (1979).

3. POLICY

AUSAs must thoroughly consider how to meet their discovery obligations in each case. Federal prosecutors' discovery obligations are generally established by Federal Rules of Criminal Procedure 16 and 26.2, 18 U.S.C. § 3500 (the Jencks Act), *Brady v, Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). In the District of Idaho, those obligations are augmented by the district court's Procedural Order. *See* Revised Criminal Procedural Order, District of Idaho, General Order No. 242. In addition, the United States Attorney's Manual describes the Department's policy for disclosure of exculpatory and impeachment information and provides for broader and more comprehensive disclosure than required by *Brady* and *Giglio*. *See* USAM § 9-5.001. In order to meet their discovery obligations in each case, AUSAs must be familiar with these authorities and with the judicial interpretations that discuss or address the application of these authorities to particular facts.

STATEMENT OF DISCOVERY PRACTICE

By following the four steps described below[1] and being familiar with laws and policies regarding discovery obligations, AUSAs are more likely to meet all legal requirements, to make considered decisions about disclosures in a particular case, and to achieve a just result in every case. Questions concerning an AUSA's discovery obligations should be directed to the office designated criminal discovery coordinator. Rules of Professional Conduct in most jurisdictions also impose ethical obligations on AUSAs regarding discovery in criminal cases. AUSAs are reminded to contact the Professional Responsibility Advisory Office (202-514-3365) when they have questions about those or any other ethical responsibilities.

Step 1: Gathering and Reviewing Discoverable Information

A. Where to Look - The Prosecution Team

AUSAs must seek all discoverable information from members of the prosecution team. In most cases, "the prosecution team" will include the agents and law enforcement officers within the relevant district working on the case. Many cases in this District arise out of investigations conducted by multi-agency task forces, federal and state law enforcement agencies or otherwise involve state regulatory agencies. To identify the prosecution team in such cases, AUSAs should consider:

(1) whether state or local agents are working on behalf of the AUSA or are under the AUSA's control;

(2) the extent to which state and federal governments are part of a team, are participating in a joint investigation, or are sharing resources or information;

(3) whether the AUSA knows of or has ready access to the evidence or information in the possession of the other state or federal agency as well as information in the files of AUSAs in this and other districts;

(4) the degree to which information gathered by the AUSA has been shared with the agency;

(5) the degree to which decisions have been made jointly regarding civil, criminal, or administrative charges; and

(6) whether the agency played an active role in the prosecution, including conducting

[1] Attachment "A" lists these four steps and the essential considerations within each step. AUSAs may wish to attach this discovery checklist and use it as a guide in each case.

arrests or searches, interviewing witnesses, developing prosecutorial strategy, participating in targeting discussions, or otherwise acting as part of the prosecution team.

Courts will generally evaluate the role of a state or local law enforcement agency on a case-by-case basis. *United States v. Fort*, 472 F.3d 1106, 1119-1120 (9th Cir. 2007)(local police reports, under Fed. R. Crim. P. 16(a)(2), created prior to federal involvement but relinquished to federal prosecutors to support a unified prosecution for the same criminal activity that was the subject of the local investigation are treated the same as federal agent reports).

AUSAs are encouraged to err on the side of inclusiveness when identifying the members of the prosecution team for discovery purposes. Carefully considered efforts to locate discoverable information are more likely to avoid future litigation over *Brady* and *Giglio* issues and avoid surprises at trial.

B. What to Review

To ensure that all discovery is disclosed on a timely basis, generally all potentially discoverable material within the custody or control of the prosecution team should be reviewed. The review process should cover the following areas:

1. The Investigative Agency's Files: With respect to Department of Justice law enforcement agencies, with limited exceptions,[2] the AUSA should be granted access to the substantive case file and any other file or document the AUSA has reason to believe may contain discoverable information related to the matter being prosecuted.[3] Therefore, the AUSA can personally review the file or documents or may choose to request production of potentially discoverable materials from the case agents. With respect to outside agencies, the AUSA should request access to files and/or production of all potentially discoverable material.

The investigative agency's entire investigative file, including documents such as FBI Electronic Communications (ECs), inserts, emails, etc. should be reviewed for discoverable information. If such information is contained in a document that the agency deems to be an "internal" document such as an email, an insert, an administrative document, or an EC, it may not be necessary to produce the internal document, but it will be necessary to produce all of the discoverable information contained in it. If an AUSA determines that other files might contain

[2] Exceptions to an AUSA's access to Department law enforcement agencies' files are documented in agency policy, and may include, for example, access to a non-testifying source's files. If an AUSA believes that the circumstances of the case warrant review of a non-testifying source's file, the AUSA should follow the agency's procedures for requesting the review of such a file.

[3] Nothing in this policy alters the Department's Policy Regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses contained in USAM § 9-5.100.

discoverable information, the AUSA should also discuss with the investigative agency whether these case files or non-investigative files such as confidential source files contain discoverable information and review the file, as necessary.

2. Confidential Informant (CI)/Witness (CW)/Human Source (CHS)/Source (CS) Files: The credibility of cooperating witnesses or informants will always be at issue if they testify during a trial. Therefore, AUSAs are entitled to access to the agency file for each testifying CI, CW, CHS, or CS. Those files should be reviewed for discoverable information and copies made of relevant portions for discovery purposes. The entire informant/source file should be included within this review, and not just the portion relating to the current case, including all proffer, immunity and other agreements, validation assessments, payment information, and other potential witness impeachment information.

AUSAs should take affirmative steps to protect non-discoverable, sensitive information found within a CI, CW, CHS, or CS file. In fact, AUSAs should first consider whether discovery obligations arising from the review of CI, CW, CHS. and CS files may be fully discharged while better protecting government or witness interests such as security or privacy via a summary letter to defense counsel rather than producing the record in its entirety.

AUSAs must always be mindful of security issues that may arise with respect to disclosures from confidential source files. Prior to disclosure, AUSAs should consult with the investigative agency to evaluate any such risks and to develop a strategy for addressing those risks or minimizing them as much as possible, consistent with discovery obligations.

3. Evidence and Information Gathered During the Investigation: Generally, all evidence and information gathered during the investigation should be reviewed, including anything obtained during searches or via subpoenas, etc. In cases involving a large volume of potentially discoverable information, AUSAs may discharge their disclosure obligations by choosing to make the voluminous information available to the defense.

4. Substantive Case-Related Communications: "Substantive" case-related communications may contain discoverable information. Those communications that contain discoverable information should be maintained in the case file or otherwise preserved in a manner that associates them with the case or investigation. "Substantive" case-related communications are most likely to occur (1) among AUSAs and/or agents, (2) between AUSAs and/or agents and witnesses and/or victims, and (3) between victim-witness coordinators and witnesses and/or victims. Such communications may be memorialized in emails, memoranda, or notes.

"Substantive" communications include factual reports about investigative activity, factual discussions of the relative merits of evidence, factual information obtained during interviews or interactions with witnesses/victims, and factual issues relating to credibility. Communications

involving case impressions or investigative or prosecutive strategies without more would not ordinarily be considered discoverable, but substantive case-related communications should be reviewed carefully to determine whether all or part of a communication (or the information contained therein) should be disclosed. AUSAs should consider whether they need to redact nondiscoverable information from factual reports. Redaction also may be necessary to assure witness safety.

AUSAs should also remember that with few exceptions *(see, e.g.,* Fed. R. Crim. P. 16(a)(1)(B)(ii) (that portion of any written record containing statement(s) by the defendant to a law enforcement agent)), the format of the information does not determine whether it is discoverable. For example, material exculpatory information that the AUSA receives during a conversation with an agent or a witness is no less discoverable than if that same information were contained in an email. When the discoverable information contained in an email or other communication is fully memorialized elsewhere, such as in a report of interview or other document(s), then the disclosure of the report of interview or other document(s) will ordinarily satisfy the disclosure obligation.

5. Case-related Communications Through Electronic Medium Such as Email: AUSAs should refrain from communicating with other AUSAs, agents or witnesses through any electronic means, including but not limited to email and text messages, where those communications include substantive case-related communications. AUSAs also are encouraged to refrain from discussing trial or investigative strategies, witness statements or witness credibility through such electronic means. Any AUSA who does communicate through those mediums should be mindful that those communications may be discoverable and disclosable to the defense and the courts. Keep in mind that electronic records must be printed and stored in the agent/AUSA file just as any other written records would be preserved.

6. Potential *Giglio* Information Relating to Law Enforcement Witnesses: AUSAs should have candid conversations with the federal agents with whom they work regarding any potential *Giglio* issues, and they should follow the procedure established in USAM § 9-5.100 whenever necessary before calling the law enforcement employee as a witness. [See *Brady-Giglio* questions] AUSAs also should be familiar with Ninth Circuit law and local practice regarding obtaining *Giglio* information from state and local law enforcement officers. See *United States v. Booth*, 309 F.3d 566, 574 (9th Cir.2002)(prosecutor need not examine personnel filed of law enforcement officers prosecutor does not intend to call)(citing *United States v. Jennings*, 960 F.2d 1488, 1489 (9th Cir. 1992)); *United States v. Dominguez-Villa*, 954 F.2d 562, 566 (9th Cir.1992)(prosecutor need not examine personnel records of law enforcement agents or employees not under its control, including state officials).

7. Potential *Giglio* Information Relating to Non-Law Enforcement Witnesses and Federal Rules of Evidence 806 Declarants: All potential *Giglio* information known by or in the possession of the prosecution team relating to non-law enforcement witnesses should be gathered and reviewed. That information includes, but is not limited to:

(a) Prior inconsistent statements (possibly including inconsistent attorney proffers, *see* *United States v. Triumph Capital Group*, 544 F.3d 149 (2d Cir. 2008));

(b) Statements or reports reflecting witness statement variations;

(c) Benefits provided to witnesses including: dropped or reduced charges; immunity; expectations of downward departures or motions for reduction of sentence; assistance in a state or local criminal proceeding; considerations regarding forfeiture of assets; stays of deportation or other immigration status considerations; S-Visas or other immigration benefits; monetary benefits; non-prosecution agreements; letters to other law enforcement officials *(e.g.* state prosecutors, parole boards) setting forth the extent of a witness's assistance or making substantive recommendations on the witness's behalf; relocation assistance; consideration or benefit to culpable or at risk third-parties; and

(d) Other known conditions that could affect the witness's bias such as: animosity toward defendant; animosity toward a group of which the defendant is a member or with which the defendant is affiliated; relationship with victim; known but uncharged criminal conduct (that may provide an incentive to curry favor with a prosecutor); prior acts under Fed. R. Evid. 608; prior convictions under Fed. R. Evid. 609; known substance abuse or mental health issues or other issues that could affect the witness's ability to perceive and recall events.

8. Information Obtained in Witness Interviews: Although not required by law, generally speaking, witness interviews should be memorialized by the agent. Agent and AUSA notes and original audio and video recordings should be preserved, and AUSAs should confirm with agents that substantive interviews should be memorialized. When an AUSA participates in an interview with an investigative agent, the AUSA and agent should discuss note-taking responsibilities and memorialization before the interview begins. AUSAs should not conduct interviews without an agent present to memorialize the interview. Interview memoranda of witnesses expected to testify, and of individuals who provided relevant information but are not expected to testify, should be reviewed.

(a) Witness Statement Variations and the Duty to Disclose: Some witnesses' statements will vary during the course of an interview or investigation. Material variances in a witness's statements should be memorialized, even if they are within the same interview, and they should be provided to the defense as *Giglio* information.

(b) Trial Preparation Meetings with Witnesses: Trial preparation meetings with witnesses generally need not be memorialized. However, AUSAs should be particularly attuned to new or inconsistent information disclosed by the witness during a pre-trial witness preparation session. New information that is exculpatory or impeachment information should be disclosed consistent with the provisions of USAM § 9-5.001 even if the information is first disclosed in a witness preparation session. Similarly, if the new

information represents a variance from the witness's prior statements, AUSAs should consider whether memorialization and disclosure is necessary consistent with the provisions of subparagraph (a) above.

(c) Agent Notes: Agent notes should be reviewed if there is a reason to believe that the notes are materially different from the memorandum, if a written memorandum was not prepared, if the precise words used by the witness are significant, or if the witness disputes the agent's account of the interview. AUSAs should pay particular attention to agent notes generated during an interview of the defendant or an individual whose statement may be attributed to a corporate defendant. Such notes may contain information that must be disclosed pursuant to Fed. R. Crim. P. 16(a)(1)(A)-(C) or may themselves be discoverable under Fed. R. Crim. P. 16(a)(1)(B). *See, e.g.*, *United States v. Riley*, 189 F.3d 802 (9th Cir. 1999) and *United States v. Boshell*, 952 F.2d 1101(9th Cir. 1991). An agent's rough notes from a witness interview are discoverable under the Jencks Act only to the extent they contain "statements" of government witnesses. *United States v. Henke*, 222 F.3d 633, 643 (9th Cir.2000). Any rough notes reflecting a statement of government witnesses as defined by 18 U.S.C. § 3500(e), even that which may qualify as *Brady* impeachment material, is to be produced at the time Jencks Act material is turned over by the government. See *United States v. Alvarez*, 358 F.3d 1194, 1207 n. 7 and 1211 (9th Cir.), *cert. denied*, 543 U.S. 887 (2004). Agents should be instructed to preserve their rough *interview* notes pursuant to the Procedural Order and any notes containing potential *Brady* material. See *United States v. Spencer*, 618 F.2d 605, 606-07 (9th Cir.1980).

9. National Security Information: Cases involving national security, including terrorism, espionage, counterintelligence, and export enforcement, can present unique and difficult criminal discovery issues. The Department of Justice has developed special guidance for those cases, which is contained in Acting Deputy Attorney General Gary G. Grindler's September 29, 2010, memorandum, "Policy and Procedures Regarding the Government's Duty To Search for Discoverable Information in the Possession of the Intelligence Community or Military in Criminal Investigations." Prosecutors should consult that memorandum and their supervisors regarding discovery obligations relating to classified or other sensitive national security information. As a general rule, in those cases where the prosecutor, after conferring with other members of the prosecution team, has a specific reason to believe that one or more elements of the Intelligence Community (IC) possess discoverable material, he or she should consult NSD regarding whether to request a prudential search of the pertinent IC element(s). All prudential search requests and other discovery requests of the IC must be coordinated through NSD.

Although discovery issues relating to classified information are most likely to arise in national security cases, they may also arise in a variety of other criminal cases, including narcotics cases, human trafficking cases, money laundering cases, and organized crime cases. In particular, it is important to determine whether the prosecutor, or another member of the

prosecution team, has specific reason to believe that one or more elements of the IC possess discoverable material in the following kinds of criminal cases:

- Those targeting corrupt or fraudulent practices by middle or upper officials of a foreign government;
- Those involving alleged violations of the Arms Export Control Act or the International Emergency Economic Powers Act;
- Those involving trading with the enemy, international terrorism, or significant international narcotics trafficking, especially if they involve foreign government or military personnel;
- Other significant cases involving international suspects and targets; and
- Cases in which one or more targets are, or have previously been, associated with an intelligence agency.

For these cases, or for any other case in which the prosecutors, case agents, or supervisors making actual decisions on an investigation or case have a specific reason to believe that an element of the IC possesses discoverable material, the prosecutor should consult with NSD regarding whether to make through NSD a request that the pertinent IC element conduct a prudential search. If neither the prosecutor, nor any other member of the prosecution team, has a reason to believe that an element of the IC possesses discoverable material, then a prudential search generally is not necessary. Additional District Discovery Policy Guidance and Policy Procedure Memo dated 9/29/2010.

Step 2: Conducting the Review

Having gathered the information described above, AUSAs must ensure that the material is reviewed to identify discoverable information. It would be preferable if AUSAs could review the information themselves in every case, but such review is not always feasible or necessary. The AUSA is ultimately responsible for compliance with discovery obligations; thus, the AUSA's decision about how to conduct this review controls. This process may involve agents, paralegals, agency counsel, and computerized searches. Although AUSAs may delegate the process and set forth criteria for identifying *potentially* discoverable information, AUSAs should not delegate the disclosure determination itself. In cases involving voluminous evidence obtained from third parties, AUSAs should consider providing defense access to the voluminous documents to avoid the possibility that a well-intentioned review process nonetheless fails to identify material discoverable evidence.

Step 3: Making the Disclosures

AUSAs are encouraged to provide discovery broader and more comprehensive than required under Fed. R. Crim. P. 16 and 26.2, the Jencks Act, *Brady*, *Giglio*, USAM § 9-5.001, and the Procedural Order. If an AUSA chooses this course, the AUSA should advise defense counsel that discovery is being made beyond what is required by the rules and case law governing discovery. The AUSA should make clear that it is the AUSA's choice to do so, not his or her obligation. Discovery obligations are continuing, and AUSAs should always be alert to developments occurring up to and through trial of the case that may affect their discovery obligations and require disclosure of information that was previously not disclosed.

A. Considerations Regarding the Scope and Timing of Disclosures: Providing broad and early discovery often fosters a speedy resolution of many cases. It also provides a margin of error in case the AUSA's good faith determination of the scope of appropriate discovery is in error. AUSAs are encouraged to provide broad and early discovery consistent with any countervailing considerations. But when considering providing discovery beyond that required by the discovery obligations or providing discovery sooner than required, AUSAs should always consider any appropriate countervailing concerns in the particular case, including, but not limited to: protecting victims and witnesses from harassment or intimidation; protecting the privacy interests of witnesses; protecting privileged information; protecting the integrity of ongoing investigations; protecting the trial from efforts at obstruction; investigative agency concerns; enhancing the likelihood of receiving reciprocal discovery by defendants; any applicable legal or evidentiary privileges; and other strategic considerations that enhance the likelihood of achieving a just result in a particular case. In most jurisdictions, reports of interview (ROIs) of testifying witnesses are not considered *Jencks* material unless the report reflects the statement of the witness substantially verbatim or the witness has adopted it. AUSAs in this office typically disclose ROIs of testifying witnesses and are encouraged to continue to disclose these reports absent countervailing concerns.

A note of caution: An AUSA should never describe this office's discovery policy as "open file," because even if the AUSA intends to provide expansive discovery, it is always possible that something will be inadvertently omitted from production and the AUSA will then have unintentionally misrepresented the scope of materials provided. Furthermore, because the concept of the "file" is imprecise, such a representation exposes the Government to broader disclosure requirements than intended or to sanction for failure to disclose documents, *e.g.* agent notes or internal memos that the court may deem to have been part of the "file."

When the disclosure obligations are not clear or when the considerations above conflict with the discovery obligations, AUSAs may seek a protective order from the court addressing the scope, timing, and form of disclosures.

B. Timing: Exculpatory information, regardless of whether the information is memorialized, must be disclosed to the defendant reasonably promptly after discovery. Impeachment information, which depends on the AUSA's decision on who is or may be called as a government witness, will typically be disclosed at a reasonable time before trial to allow the trial to proceed efficiently. *See* USAM § 9-5.001.

The district court's Procedural Order guides the timing of disclosures in the ordinary case. AUSAs are expected to comply with the Procedural Order's specified time frames, unless the court has entered an order delaying discovery or other arrangement has been made. The Procedural Order's time frames are as follows:

(1) Within seven calendar days from the date of arraignment, the United States shall disclose Fed. R, Crim. P. 16 materials and Fed. R. Evid. 404(b) other acts evidence;[4]

(2) Within seven calendar days from the date of arraignment, the United States is "strongly encouraged" to disclose *Brady/Giglio* material; other impeachment material; evidence regarding any identification proceeding, including lineups and photo spreads; discoverable agent rough notes; whether the defendant was an "aggrieved person" under 18 U.S.C. §§ 2518(10)(a) and (8)(d)(were they intercepted in a wiretap); and copies of all latent finger or palm prints and handwriting exemplars.

The Procedural Order recognizes that the rules permit AUSAs to seek relief from disclosure requirements in certain circumstances. *See* Revised Criminal Procedural Order at p. 5, para. 3; Fed . R. Crim. P. 16(d)(1). Such protection/modification orders should not be used as a matter of course but only for fact-specific reasons. Such motions under the Rule should be reviewed and approved by the Criminal Chief or SLC prior to filing.

C. Scope of Disclosure Under the Procedural Order

The Procedural Order authorizes, but does not require, AUSAs to disclose grand jury material to defense counsel and others in connection with preparation of the case. *See* Revised Criminal Procedural Order at p. 7, para. 6; Fed. R. Crim. P. 6(e). Disclosure is limited, however, to those persons specifically identified in the Procedural Order. If a trial witness has testified in the grand jury and that witness's report is not turned over in discovery, it must be furnished to the defendant at trial, pursuant to the Jencks Act, 18 U.S.C. § 3500, or at some point before trial to expedite the proceedings.

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[4]The Procedural Order does not specify that the United States must provide notice of intent to use this other acts evidence within seven days of arraignment. Fed. R. Evid. 404(b) itself provides that "the prosecution in a criminal case shall provide reasonable notice in advance of trial" of the other acts evidence it intends to introduce.

The Procedural Order does not have an automatic *Henthorn* request provision. As you know, we have a duty, after a request by the defense, to inspect for *Brady* material the personnel records of federal law enforcement officers who will testify at trial, regardless of whether the defense has made a showing of materiality. *United States v. Henthorn*, 931 F.2d 29, 31 (9th Cir. 1991). However, without regard to *Henthorn*, under *Brady* the government is obligated, upon request, to disclose information to the defense regarding government witnesses that could be used to impeach them. See *United States v. Bagley*, 473 U.S. 667 (1985). Under these principles, our obligation to review personnel files includes those of all federal law enforcement officers who are called to testify at trial or in connection with any pretrial motion, but not those of state law enforcement. *United States v. Dominguez-Villa*, 954 F.2d 562, 565-66 (9th Cir. 1992). USAM § 9-5.100 *Henthorn* requests should be made at least two weeks in advance of trial through our requesting official, the Criminal Chief.

D. Form of Disclosure:

In deciding when and in what format to provide discovery, AUSAs should always consider security concerns and the other factors set forth in subparagraph (A) above, as well as the availability of office personnel resources. As set forth in Step 4 below, discovery format is an essential part of making an adequate record of discovery.

There may be instances when it is not advisable to turn over discoverable information in its original form, such as when the disclosure would create security concerns or when such information is contained in attorney notes, internal agency documents, confidential source documents, Suspicious Activity Reports, etc. If discoverable information is not provided in its original form and is instead provided in a letter to defense counsel, including particular language, where pertinent, AUSAs should take great care to ensure that the full scope of pertinent information is provided to the defendant.

Step 4: Making a Record

One of the most important steps in the discovery process is keeping good records regarding disclosures. AUSAs should make a record of when and how information is disclosed or otherwise made available. AUSAs also should make a record of whether defense counsel have reviewed original discovery or original physical evidence. While discovery matters are often the subject of intense ligation in criminal cases, keeping a record of the disclosures confines the litigation to substantive matters and avoids time-consuming disputes about what was disclosed. These records can also be critical when responding to petitions for post-conviction relief, which are often filed long after the trial of the case. Keeping accurate records of the evidence disclosed is no less important than the other steps discussed above. Poor records can negate all of the work that went into taking the first three steps.

To facilitate discovery-record-keeping AUSAs should produce all discovery items with Bates-numbers for future identification. Likewise, every disclosure should be accompanied by correspondence from the AUSA to defense counsel clearly identifying which Bates-numbered items are being disclosed and addressing any other necessary discovery matters, including the availability of original evidence for inspection. AUSAs should keep a master set of discovery items to be able to quickly demonstrate that a specific Bates-numbered item or document has been disclosed. It is anticipated that discovery in all but the least complex cases will be scanned and produced electronically. Where discovery is produced electronically, AUSAs should keep a copy of each disc produced to defense counsel. AUSAs also should consider keeping a discovery log to track what items were turned over, when they were turned over, how they were turned over and to whom they were turned over. Attachment "B" contains a sample discovery log. AUSAs may want to consider asking defense counsel to verify that they have received discovery, been given the opportunity to view voluminous discovery or actually viewed original evidence.

Conclusion

Compliance with discovery obligations will facilitate a fair and just result in every case, which is our goal in pursuing a criminal prosecution. This policy does not and could not provide direction for every discovery question because discovery obligations are often fact specific. This policy is designed to guide AUSAs as they consider their discovery obligations in each case. AUSAs also have at their disposal an array of resources intended to assist them in evaluating their discovery obligations including supervisors, the discovery coordinators - Criminal AUSA Lynn Lamprecht our SLC, PRAO, USABook online, and the Department of Justice's Guidance for Prosecutors Regarding Criminal Discovery (January 4, 2010), USAM, Title 9, Criminal Resource Manual, 165. In addition, the District of Idaho will conduct annual training regarding criminal discovery obligations. By evaluating discovery obligations pursuant to the methodical and thoughtful approach set forth in this policy and taking advantage of available resources, AUSAs are more likely to meet their discovery obligations in every case and in so doing achieve a just and final result in every criminal prosecution.