CHAPTER 6

THE *BRADY* RULE

One of the most significant changes in the employment lives of law enforcement officers has come courtesy of a more than 50 year old Supreme Court decision, *Brady v. Maryland*. What is perhaps most curious about *Brady* is how the decision lay dormant for at least 40 of those years, at least in its application in the employment setting. The developments in the last decade have been so rapid that today, the notion of "*Brady* lists" and "*Brady* officers" is part of the everyday vernacular in law enforcement.

Perhaps because of the rapid change in *Brady* law, the rules under *Brady* are wildly inconsistent from state to state, and even from jurisdiction to jurisdiction within a state. A Stanford Law Review article summed it up well:

> "An officer who cannot testify – a so-called '*Brady* cop' – may find herself out of work and unemployable, as such an officer cannot make arrests, investigate cases, or carry out any other duties that might put her on the witness stand. Moreover, officers fear that prosecutors and police supervisors will use access to the files to abuse the *Brady*-cop designation, by labeling officers as *Brady* cops in order to punish them outside of formal disciplinary channels and those channels' attendant procedural protections. *Brady* has become not only a matter of defendants' due process trial rights, but also of police officers' due process employment rights. And the officers and their unions have used litigation, legislation, and informal political pressure to push back on *Brady*'s application to their files. This conflict over *Brady*'s application has split the prosecution team, pitting prosecutors against police officers, and police management against police labor. Despite the high stakes of applying *Brady* to these files – or, perhaps, because of them – seemingly every jurisdiction has a different method for approaching the issue."[1]

The Roots Of The *Brady* Rule.

Brady v. Maryland itself was a criminal law case concerning when the prosecution had a pre-trial obligation to disclose evidence to the defendant. The Supreme Court found that the "suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution."[2]

Over the years, the Supreme Court steadily expanded *Brady*. First up was *Giglio v. United States*, where the Court held that the obligation to disclose information was not limited to purely exculpatory evidence, but also included potential impeachment evidence.[3] In a 1985 decision in *United States v. Bagley*, the Court ruled that the obligation to disclose *Brady* information existed even in the absence of a request from a defendant for the material.[4] The Court's last extension of *Brady* occurred in 1995, when the Court held in *Kyles v. Whitley* that "the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police."[5]

What the Supreme Court has never decided under Brady is whether the rule applies at all to police disciplinary and internal investigatory files.

What the Supreme Court has never decided under *Brady* is whether the rule applies at all to police disciplinary and internal investigatory files. That question remains unsettled, at least at the Supreme Court level. However, as the Supreme Court was expanding the *Brady* rule in cases not involving officer files, a second line of cases from lower courts began to address how much a criminal defendant would have to prove to gain access to materials in those files. Most courts require some sort of showing by the defendant that material evidence could be found in the files.[6] These courts hold that the mere fact that there has been an internal investigation of an officer is not *Brady* material, but that what a defendant must show is that the *contents* of an internal investigation would be admissible to impeach a testifying officer.[7] As one federal appeals court put it, a defendant "was entitled to fish, but not with this thin a pole."[8] Some courts phrase this necessary showing as one of "good cause" to believe that a file contains impeachable evidence.[9]

Significantly, one court prominently stood apart on the need for a defendant to make a showing that there could be relevant information in an officer's files – the federal Ninth Circuit Court of Appeals, which covers most of the states west of the Rocky Mountains. In a 1991 case known as *United States v. Henthorn*, the Ninth Circuit ruled that a defendant was not required to make *any* showing to trigger the *Brady* process. Instead, the Court found, the "government" is required to conduct its own examination of officer files, and must start the *Brady* process if it finds "information favorable to the defense that meets the appropriate standard of materiality."[10] The Ninth Circuit later ruled that a prosecutor could assign the obligation to review officer files to the law enforcement agency employing the officer.[11]

A procedure began to develop in *Brady* cases. A criminal defendant would request an officer's files. If the trial court was satisfied that the defendant had made the requisite showing that there might be *Brady* material in the file, the court would require the prosecution to produce the relevant portion of the files for an *in camera* inspection. Loosely translated, an *in camera* review means that a judge will review the materials in his chambers, without the presence of the prosecutor, the defendant, or the defense attorney.[12] In some states, the *in camera* review process is required by statute.[13]

The Department Of Justice And The *Brady* Rule.

The DOJ's Giglio Policy requires that prosecutors initiate a review of officer files even in the absence of a request from a defendant.

Starting in 1996, the United States Department of Justice weighed in with what it termed a "*Giglio* Policy." DOJ's *Giglio* Policy, which has evolved and expanded significantly over the years, can be fairly said to adopt the Ninth Circuit's position on officer files and *Brady* material. The DOJ's *Giglio* Policy requires that prosecutors initiate a review of officer files even in the absence of a request from a defendant. Under the current version of the policy, federal law

enforcement agencies are required to disclose to the DOJ information falling in any of the following seven categories:

1. Any finding of misconduct that reflects upon the truthfulness or possible bias of the employee, including a finding of lack of candor during a criminal, civil, or administrative inquiry or proceeding;
2. Any past or pending criminal charge brought against the employee;
3. Any allegation of misconduct bearing upon truthfulness, bias, or integrity that is the subject of a pending investigation;
4. Prior findings by a judge that the agency employee has testified untruthfully, made a knowing false statement in writing, engaged in an unlawful search or seizure, illegally obtained a confession, or engaged in other misconduct;
5. Any misconduct finding or pending misconduct allegation that either casts a substantial doubt upon the accuracy of any evidence – including witness testimony – that the prosecutor intends to rely on to prove an element of any crime charged, or that might have a significant bearing on the admissibility of prosecution evidence;
6. Information that may be used to suggest that the agency employee is biased for or against a defendant;
7. Information that reflects that the agency employee's ability to perceive and recall truth is impaired.[14]

Brady Lists.

There has been a huge range of responses from state and local prosecutor offices and local law enforcement agencies to the development of the *Brady* doctrine. Many simply ignored the issue, set up no formal system for *Brady* material, and handled defendant requests for officer files on a case-by-case basis.[15] Others adopted the DOJ approach, and with the cooperation of local law enforcement agencies began maintaining so-called *Brady* lists, lists of law enforcement officers whose files contained potential *Brady* material. If an officer on a *Brady* list was a potential witness in a criminal case, the prosecutor would initiate the process of examining the officer's file to determine if the file actually contained potentially disclosable *Brady* material. The most widely-publicized early *Brady* list was that created by the Los Angeles County District Attorney's Office in 2002. In other places, prosecutors would maintain their own *Brady* lists without the cooperation of local law enforcement agencies, placing officers on the list at the suggestion of individual members of the prosecutor's office.[16]

The most widely-publicized early Brady list was that created by the Los Angeles County District Attorney's Office in 2002.

How Do Officers Get On A *Brady* List?

The process by which an officer gets on a *Brady* list varies tremendously depending upon the practices of the local prosecutor and law enforcement agency. In general, there are four ways officers appear on a *Brady* list: (1) When their employer notifies the prosecutor that the officer has been disciplined for dishonesty or for some other reason that might justify placement on the list; (2) when a member of the prosecutor's office has a concern about the testimony of an officer in a particular case or cases; (3) when the officer is convicted of a crime; and (4) when a defense attorney brings forth evidence of the officer's dishonesty or other evidence suggesting the officer should be on a *Brady* list. Some prosecutor's offices have a well-developed system of internal review before the officer's name is actually placed on the list, review processes that may even allow input from the involved officer. Others have nothing remotely resembling a due process system under which officers can challenge their placement on a *Brady* list.

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The Significance Of Being Designated As A *Brady* Officer.

As the notion of *Brady* lists spread nationwide, a conundrum was posed to law enforcement agencies – what to do with an officer whose name appeared on a *Brady* list? Agencies struggled and still struggle with that question. Some agencies do nothing, believing that there is no justification to disturb whatever initial disciplinary decision was made in the incident that called into question the officer's honesty. Others take a much harder line and have terminated officers for whom *Brady* disclosures must be made. Those taking the harder line believe that officers unable to testify cannot do the essential functions of the job of a law enforcement officer, and should be discharged.[17]

Recent years have seen a more nuanced position. California and Maryland, concerned about the expansion of *Brady* lists and the potential for the unwarranted ending of the careers of some law enforcement officers, have amended their peace officer bills of rights to make clear that mere placement on a *Brady* list does not justify the discipline of an officer. California's bill of rights draws a line between dishonesty – which still could be the basis for discipline – and placement on a *Brady* list, which cannot be in and of itself:

> "A punitive action, or denial of promotion on grounds other than merit, shall not be undertaken by any public agency against any public safety officer solely because that officer's name has been placed on a *Brady* list, or that the officer's name may otherwise be subject to disclosure pursuant to *Brady v. Maryland*."[18]

Very much along the same lines, arbitrators and courts have shown increasing reluctance to sustain terminations based upon an officer's placement on a *Brady*

list, at least in the absence of proof of underlying dishonesty that itself warrants termination. For example, in upholding the reinstatement of an officer who was dishonest with a physician conducting an independent medical examination, the Connecticut Supreme Court drew a distinction between gradations of officer untruthfulness:

> "The officer's conduct, although serious, did not compromise his qualifications or ability to perform his official duties as a police officer, because his physician and his neurologist were both aware of his dishonesty and yet still cleared him to return to duty. The officer did not lie under oath and his dishonesty was not disruptive or repeated; he was not dishonest before his fellow police officers or while performing his official duties. He was not warned about the repercussions of his misconduct so he was not incorrigible, and the punishment that he received was severe."[19]

Courts have also ruled that an arbitrator's opinion reinstating an officer with a sustained charge of untruthfulness does not violate public policy. The "public policy doctrine," detailed at some length in Chapter 4, allows courts to overturn arbitrators' decisions that violate an "explicit, well defined, and dominant public policy, not simply general considerations of supposed public interests."[20] The focus in public policy cases usually is whether the remedy ordered by an arbitrator – reinstatement instead of termination – violates public policy, not whether the officer's underlying dishonesty did. As one court put it in upholding an arbitrator's opinion reinstating a dishonest police officer, "we are mindful that the fact that an employee's misconduct implicates public policy does not require the arbitrator to defer to the employer's chosen form of discipline for such misconduct."[21] The Washington Supreme Court drew precisely this distinction in reviewing the law in the area:

> "Courts in other states have upheld similar arbitration decisions reinstating officers when there is no explicit, well defined, and dominant public policy against reinstatement, even when reinstatement would likely be contrary to general public policy considerations. Washington statutes prohibit making false statements to a public officer but there is no statute or other explicit, well defined, and dominant expression of public policy that requires the automatic termination of an officer found to have been untruthful."[22]

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As another court held in refusing to overturn an arbitrator's decision:

> "In making this determination, we are mindful that the fact that an employee's misconduct implicates public policy does not require the arbitrator to defer to the employer's chosen form of discipline for such misconduct. Indeed, an arbitrator reasonably may consider circumstances such as the length of employment, previous instances of misconduct by the employee, and the circumstances and severity of the misconduct under review in determining the likelihood of future misconduct and whether discipline less severe than termination would constitute a sufficient punishment and deterrent. Finally, this Court has recognized that, although the arbitrator's decision must draw its essence from the agreement, he is to bring his informed judgment to bear in order to reach a fair solution of a problem. This is especially true when it comes to formulating remedies."[23]

Employers have argued that the public policy behind *Brady* translates into the necessary public policy allowing rejection of an arbitrator's opinion. Though there is modest disagreement on the issue, most courts reject the notion that *Brady* is the equivalent of a public policy mandating the termination of a dishonest officer:

> "The County contends that the *Brady* rule – which requires prosecutors to disclose exculpatory evidence – exemplifies a public policy against reinstatement of police officers found to be untruthful. The County argues that prosecutors would have to disclose LaFrance's record of dishonesty in any criminal proceedings where LaFrance served as a witness. However, even if that were true, it would not be sufficient to vacate the arbitration decision because it does not constitute an explicit, well defined, and dominant public policy prohibiting LaFrance's reinstatement. The cases requiring disclosure of an officer's history of untruthfulness have not commented on whether such an officer could continue to be employed. As a result, there is no explicit (or even implicit) statement regarding the continued employment of an officer found to be untruthful. Further, even if *Brady* case law constituted a public policy against reinstatement of an officer found to be dishonest, it provides no guidance regarding what level of dishonesty would prohibit reinstatement. The *Brady* rule provides neither an explicit nor a well-defined public policy against reinstating an officer found to be untruthful. As such, the *Brady* rule does not meet the exacting requirements necessary to void an arbitration award on public policy grounds."[24]

In upholding an arbitrator's opinion, a Michigan court drew a line between the public policy of *Brady* to ensure defendants have a fair trial and the public policy issues justifying overturning an arbitration opinion involving the termination of an officer for untruthfulness:

> "It is clear that *Brady*'s purpose of requiring the prosecution to disclose favorable evidence is not to ensure that police officers are honest. Rather, it is to ensure that defendants receive fair trials and to prevent prosecutors from not disclosing all material evidence. Therefore, *Brady* and its progeny do establish an explicit public policy, but that policy is unrelated to the grievant and his conduct.
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> "The Arbitrator determined that the officer should be punished, but merely disagreed with the employer about the appropriate degree of punishment. The public policy of not falsifying police reports will not be weakened by enforcing the Arbitrator's award as there is no evidence that when reinstated the grievant will falsify a report."[25]

In another case, the Alaska Supreme Court criticized an employer seeking to overturn an arbitrator's decision reinstating an untruthful trooper, commenting that the State failed to produce evidence "that that troopers who have a record of discipline for dishonesty have been unable to testify regarding their role in arrests and investigations, nor that such troopers have been precluded from useful service as a law enforcement officer."[26]

Also along the same lines, police administrators have argued publicly for a softening of the position that termination is the only possible disciplinary sanction

for untruthfulness. An article in *Police Chief* magazine perhaps captured it best in arguing against a "no-lies policy":

> "Perhaps it is easier to assess intentional deceptive conduct on a continuum. At one end is intentional, malicious, deceptive conduct that will take one of three forms:
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> "Deceptive action in a formal setting, such as testifying in court or during an internal affairs investigation,
>
> "Failure to bring forward information involving criminal action by other officers, also known as observing the so-called code of silence,
>
> "Creation of false evidence that tends to implicate another in a criminal act.
>
> "Intentional, malicious, deceptive conduct in any of these three areas will permanently destroy an officer's credibility. Should an officer violate these standards, there is no alternative in an employment context other than termination or permanent removal from any possible activity where the officer could be called upon to be a witness to any action.
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> "At the other end of the continuum are lies justified by necessity, which may be defended, based on the circumstances and excusable lies, including lies made in jest and white lies, which like minor embellishments and exaggerations are not intended to harm others or convey a benefit to the communicator. These types of deceptions are at least excusable if not acceptable.
>
> "Deceptive conduct at either end of the continuum can be dealt with easily. At one end, the conduct does no harm and no action is necessary. At the other end, there is great harm and there is no option other than the termination of the officer's employment. The problem is not the conduct at the ends of the continuum, but rather the conduct that falls somewhere in between."[27]

Concurrent with these developments have been others. Some criminal defense lawyers realize there are advantages to their clients if more officers are on *Brady* lists, and have web pages asking the public to send in the names of officers for potential forwarding to a prosecutor's office for placement on a *Brady* list.[28] With very inconsistent results, courts have also begun to address how to reconcile public records laws or peace officer bills of rights that shield personnel files from disclosure with a prosecutor's desire or need to review the files for *Brady* purposes.[29]

There have also been numerous lawsuits filed by officers who believe a prosecutor has wrongly placed them on a *Brady* list. Most of these lawsuits are met with the argument by the prosecutor that the principle of "absolute immunity" shields them from liability. Prosecutors are entitled to absolute prosecutorial immunity for conduct that is "intimately associated with the judicial phase of the criminal process."[30] Absolute immunity shields not only a prosecutor's actions during a criminal trial, but also for those acts naturally undertaken in preparation for trial.[31] When absolute prosecutorial immunity applies, a plaintiff's claims are barred,

even if it leaves the plaintiff "without civil redress against a prosecutor whose malicious or dishonest actions deprives him of liberty."[32] In states where a prosecutor is considered to be an arm of state government (although employed by a county), absolute immunity may also derive from the Eleventh Amendment, which shields states against liability from many damages claims in federal court. Though the issue is still unsettled, there are some strong suggestions in the law that prosecutors have absolute immunity from their *Brady* decisions.[33]

Even if a prosecutor is not shielded by absolute immunity, some basic principles of civil rights litigation can prevent an officer from successfully suing a prosecutor for wrongful placement on a *Brady* list. Defendants in a lawsuit brought under Section 1983 of the Civil Rights Act are entitled to "qualified immunity" from damages for civil liability if their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.[34] The scope of qualified immunity can be broad indeed, particularly in an area of rapidly-changing law such as *Brady* where it is difficult to say that *any* rights are "clearly established."

For example, in one case a deputy who was the subject of *Brady* disclosures in one county took a job as a city police officer in another county. The prosecutor in the deputy's old county promptly sent the *Brady* materials to the prosecutor in the new county, and the officer was promptly fired. The officer sued the first prosecutor, arguing the *Brady* material in fact did not indicate he had been dishonest, that he should have been provided with a "name-clearing" hearing before the material was sent, and that the first prosecutor should not have sent the material without first being asked. A federal court dismissed the lawsuit, holding that even if the prosecutor was wrong in all three particulars, the law in the area was not clearly established.[35]

There are no reported court decisions where an officer has successfully sued a prosecutor over placement on a Brady list.

Put together the principles of absolute and qualified immunity, mix in the wide berth courts give to the way a prosecutor does her job, and add the rapidly-evolving nature of *Brady* law, and it is not surprising that there are no reported court decisions where an officer has successfully sued a prosecutor over placement on a *Brady* list. This notable lack of success applies no matter whether the suit is for damages, for a hearing on whether the officer should be on a *Brady* list, or for an injunction to compel the prosecutor to remove the officer's name from the list.[36] The result has been predictable – a tension between prosecutors and law enforcement officers over the entire *Brady* process, a tension that springs from the perceived lack of due process associated with the system:

> "Considering the grave employment consequences, one might expect strong substantive and procedural protections against the possibility that an officer would be mistakenly or unfairly placed on the *Brady* list. But that is not the case. Unlike police departments' formal disciplinary systems, which provide many procedural protections to accused officers, the prosecutor's decision to place an officer on the *Brady* list is a form of punishment that is completely unreviewable and may be based on scant evidence or even a hunch, without any opportunity for the officer to provide his side of the story. Even if,

through the administrative appeals process, the officer overturns the misconduct finding that landed him on the *Brady* list, the prosecutor can continue to label the officer as a *Brady* cop if he doubts the officer's credibility. And forget whatever progressive discipline system might govern the traditional punishment of police misconduct. A prosecutor can put an officer on the *Brady* list for a small, first-time offense, and leave her there for life without giving her any chance to clear her name."[37]

NOTES

[1] http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2487340.

[2] *Brady v. Maryland*, 373 U.S. 83 (1963).

[3] *United States v. Giglio*, 405 U.S. 150 (1972).

[4] *United States v. Bagley*, 473 U.S. 667 (1985).

[5] *Kyles v. Whitley*, 514 U.S. 419 (1995).

[6] *United States v. McElhiney*, 275 F.3d 928 (10th Cir. 2001); *United States v. Dent*, 149 F.3d 180 (3d Cir. 1998); *United States v. Driscoll*, 970 F.2d 1472 (6th Cir. 1992); *United States v. Pou*, 953 F.2d 363 (8th Cir. 1992); *United States v. Andrus*, 775 F.2d 825 (7th Cir. 1985); *De La Cruz v. Jacquez*, 2013 WL 3337767 (C.D. Cal. 2013); *Gonzalez–Pena v. Herbert*, 369 F. Supp. 2d 376 (W.D. N.Y. 2005).

[7] *United States v. Wilson*, 605 F.3d 985 (D.C. Cir. 2010).

[8] *United States v. Pitt*, 717 F.2d 1334 (11th Cir. 1983).

[9] *People v. Salcido*, 44 Cal.4th 93 (Cal. 2008).

[10] *United States v. Henthorn*, 931 F.2d 29 (9th Cir. 1991); *see United States v. Dent*, 149 F.3d 180 (3d Cir. 1998).

[11] *United States v. Jennings*, 960 F.2d 1488 (9th Cir. 1992); *see People v. Superior Court*, 176 Cal. Rptr. 3d 340 (Cal. App. 2014).

[12] *United States v. Deutsch*, 475 F.2d 55 (5th Cir. 1973).

[13] California Evidence Code, Section 1043-1045.

[14] http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/5mcrm.htm.

[15] http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2329&issue_id=32011; http://www.ijhssnet.com/journals/Vol_3_No_17_September_2013/1.pdf.

[16] http://seattletimes.com/html/localnews/2003760490_bradycops24m.html.

[17] *Bradford v. Village of Lombard*, 2014 WL 497677 (N.D. Ill. 2014).

[18] California Government Code, Section 3305.5.

[19] *Town of Stratford v. AFSCME, Council 15, Local 407*, 105 A.3d 148 (Conn. 2014); *see Wetherington v. North Carolina Dept. of Crime Control & Public Safety*, 752 S.E.2d 511 (N.C. App. 2013)(reinstatement of trooper who lied about how he lost his hat).

[20] *E. Associated Coal Corp. v. United Mine Workers of Am., Dist. 17*, 531 U.S. 57 (2000).

[21] *Town of Stratford v. AFSCME, Council 15, Local 407*, 105 A.3d 148 (Conn. 2014).

[22] *Kitsap County Deputy Sheriff's Guild v. Kitsap County*, 219 P.3d 675 (Wash. 2009), *citing City of Highland Park v. Teamster Local Union No. 714*, 828 N.E.2d 311 (2005)(refusing to vacate an arbitration award that reinstated a police officer

who had been found guilty of misdemeanor trespass to a vehicle in an off-duty incident, finding that there was no explicit, well defined, and dominant public policy requiring the automatic termination of an officer when he is found guilty of violating a law); *Wash. County Police Officers' Ass'n v. Washington County*, 69 P.3d 767 (2003)(refusing to vacate an arbitration award that reinstated a police officer who tested positive for marijuana and lied about his drug use, noting that the relevant statute only required termination of a police officer who had been convicted of unlawful use of a controlled substance).

[23] *Town of Stratford v. AFSCME, Council 15, Local 407*, 105 A.3d 148 (Conn. 2014).

[24] *Kitsap County Deputy Sheriff's Guild v. Kitsap County*, 219 P.3d 675 (Wash. 2009).

[25] *Michigan Association of Police v. City of Pontiac*, 2009 WL 794307 (Mich. App. 2009).

[26] *State of Alaska v. Public Safety Employees Association*, 257 P.3d 151 (Alaska 2011).

[27] http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=118&issue_id=102003.

[28] http://steeringlaw.com/brady-list-pitchess-motion/.

[29] *See People v. Superior Court*, 176 Cal. Rptr. 3d 340 (Cal. App. 2014); *State v. Roy*, 557 A.2d 884 (Vt. 1989) *overruled on other grounds by State v. Brillon*, 955 A.2d 1108 (Vt. 2008).

[30] *Van de Kamp v. Goldstein*, 555 U.S. 335 (2009).

[31] *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993).

[32] *Imbler v. Pachtman*, 424 U.S. 409 (1976).

[33] *Van de Kamp v. Goldstein*, 555 U.S. 335 (2009); *Roe v. City & County of San Francisco*, 109 F.3d 578 (9th Cir.1997); *Nazir v. County of Los Angeles*, 2011 WL 819081 (C.D. Cal. 2011); *Neri v. County of Sanislaus District Attorney's Office*, 2010 WL 3582575 (E.D. Cal. 2010).

[34] *Pearson v. Callahan*, 129 S. Ct. 808 (2009).

[35] *Lackey v. Lewis County*, 2009 WL 3294848 (W.D. Wash. 2009); *see Tillotson v. Dumanis*, 567 Fed. Appx. 482 (9th Cir. 2014).

[36] *Doyle v. Lee*, 166 Wash. App. 397 (Wash. App. 2012).

[37] http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2487340.