

Maine PRISONER ADVOCACY Coalition



April 28, 2025

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Criminal Justice and Public Safety Committee: My name is Jan Collins, I am Assistant Director of Maine Prisoner Advocacy Coalition (MPAC) an organization committed to ethical, positive, and humane changes in Maine's prison system. I am here in support of [LD 1607](#) An Act to Require Law Enforcement Agencies to Adopt Written Policies Regarding Compliance with Certain Constitutional Obligations Related to Disclosure of Evidence.

The significance of *Brady v. Maryland* lies in its establishment of a constitutional duty for the prosecution to disclose exculpatory and impeachment evidence to the defense, regardless of whether it is requested. This rule, now known as the Brady Rule, ensures fair trial rights by preventing convictions based on suppressed evidence that could have changed the outcome.¹

In *Giglio v. United States* (1972), the Supreme Court held that the prosecution's failure to disclose a promise of leniency made to a key witness in exchange for their testimony constituted a violation of due process, requiring a new trial. This ruling expanded the *Brady v. Maryland* doctrine, which requires the prosecution to disclose exculpatory and impeachment evidence to the defense. The court emphasized that the prosecution has a duty to ensure the jury receives all relevant information, even if the failure to disclose was unintentional.

This duty extends to all material evidence, not just evidence directly exculpating the defendant. If a police officer has a history of misconduct or other actions that could cast doubt on their credibility, the prosecution must disclose this information to the defense. 2

It is not only a constitutional responsibility to provide this information, it is essential to community safety. Anytime we wrongly prosecute and incarcerate individuals, it means the real criminal is still on the street.

It is also important that our local police officers are credible witnesses. If a person has a history of not being truthful under oath in a court of law, they are not a good hire.

Establishing protocols and procedures in each of our policing jurisdictions helps to ensure that the people who are providing community safety are also following constitutional guidelines. Please give this bill your unanimous support.

Thank-you,

Jan

1Justia - US Supreme Court Brady v. Maryland, 373 U.S. 83 (1963)
<https://supreme.justia.com/cases/federal/us/373/83/#:~:text=Primary%20Holding,constitutional%20right%20to%20due%20process>.

2 Brady Giglio Policy Frequently Asked Questions (FAQs). Cook County State Attorney.
https://www.cookcountystatesattorney.org/sites/g/files/ywwepo351/files/document/file/2024-08/ccsao_brady_giglio_policy_faq_final.pdf