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Statement in opposition to

L.D. 1780, An Act to Secure Under Authority of a Subpoena Pretrial Statements from a Witness Other than the Defendant in a Criminal Proceeding

Joint Standing Committee on Judiciary

May 1, 2025

Senator Carney, Representative Kuhn, and honorable members of the Judiciary Committee. My name is Jason Moen. I am the Chief of the Auburn Police Department, and President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association in opposition to LD 1780.

The mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

This legislation would give defendants unprecedented authority to force civilian witnesses to participate in recorded, out-of-court interviews, with minimal oversight and few protections in place. Even with procedural language included, witnesses still could be compelled to engage in defense-led questioning, often placing them at serious risk and discouraging their cooperation with law enforcement.

The danger is especially pronounced in cases involving drug trafficking and organized criminal networks, where intimidation and retaliation against witnesses are well-documented tactics. This bill, whether intended or not, provides another avenue for those engaged in criminal enterprises to interfere with justice and exert pressure on vulnerable individuals.

As drafted, the process outlined in this legislation would occur entirely outside the courtroom. There is no requirement for prior judicial approval, no neutral setting, and no obligation that witnesses have legal representation. This is not a court-supervised deposition, it is a defense-controlled interrogation with profound consequences for those who decline to participate.

From a law enforcement perspective, the most concerning aspect of this bill is its potential to undermine ongoing investigations. Granting the defense unchecked subpoena power—without prior court approval—could jeopardize evidence, prematurely expose law enforcement strategy, and intimidate witnesses, especially in complex or high-risk cases like those involving drug trafficking rings.

While the bill claims not to override protective measures in place for witnesses, it still creates a legal mechanism by which indirect pressure can be exerted. For many community members, the mere threat of legal obligation, especially when linked to dangerous criminal groups, is enough to deter their involvement. No witness should be forced to choose between their safety and participating in the justice process.

LD 1780 significantly shifts the balance of the criminal justice system in a way that endangers witnesses, weakens cooperation, and threatens the integrity of prosecutions. We support the fair and constitutional treatment of all defendants—but not at the cost of endangering lives, undermining investigations, or eroding public safety.

For these reasons, we oppose the passage of LD 1780 and respectfully ask the committee to vote ought not to pass.