

Testimony of the Maine Municipal Association

In Opposition to

LD 1784 - Act to Require Police Departments to Publish and Make Accessible Their Policies and Procedures and Require Training of Officers

May 12, 2025

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Criminal Justice and Public Safety Committee, my name is Rebecca Graham, and I am testifying in opposition to LD 1784, at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is made up of individuals from across Maine with municipal officials elected by their peers across Maine's 35 Senate districts representing communities with very different access to available enforcement resources and local capacity.

Transparency is a cornerstone of best government practices. Maine's Right to Know Law already allows for the inspection or disclosure of government records to the public, upon request, unless exempt by law. Many police training and operational policies are exempted by law, while others are not, and are usually easily accessible, and always without cost to individuals in person at the agency.

Policing training materials and operational policies are both public and private. To the greatest practical extent, policies are public records and often either supplied on a website or easily available from the agency directly. Additionally, some training is provided by private companies and is proprietary or confidential based on their business. Not all training materials or processes can or should be posted and shared while a list of required training may be more appropriate.

Operational policies that do not pertain to sensitive intelligence gathering procedures, or other sensitive operational procedures that may encourage criminality from knowing the limits of enforcement should remain protected. Some operationally sensitive material should also not be disclosed, especially when doing so endangers those responding by disclosing tactical approaches, critical evacuation plans, or the location of sensitive targets or alternative access plans. The written policies are necessary to convey expected behavior during these situations and are used to evaluate responses posthumously but should otherwise remain non-public to keep effective public safety responses.

Additionally, where there is discretion to act or not act that is set by an internal policy, it is counter productive to advertise that publicly. Internal policies that establish interagency response to a significant threat to a public institution, like a school, could negatively impact efforts to deescalate a threat or protect a large flow of persons in evacuation efforts based on locations of the threat in a complex event that should have clear process guidelines in place to frame a dynamic response.

Other examples include when a high-speed chase is engaged or terminated which is examinable as part of a policy violation complaint or criminal case, but advertising a policy can also attract criminal behavior knowing what the expected limitations on enforcement are. If misdemeanor offenses are

advertised as not enforced, they draw those seeking to engage in the behavior. Well known examples of this are increases in shop lifting when it is known that prosecution will not be pursued unless there is a significant theft threshold or additional criminal behavior associated with the incident. These policies also operationally changed based on necessary response to criminal trends.

For this reason, the deadlines posed in the bill to update policies within 90 days of amending them would require additional administrative tasks added as a burden to short staffed agencies dedicated to this purpose and would pose a significant cost without significant public value for the activity. There is more public value from posting operational policies that do not change as frequently and should be considered as an alternative or replaced with the current process of providing them for review in person where no website is available.

The need for an agency to have a website and for policies to require both posting in easily understandable language and on easily accessible website is not available to all agencies, or even municipalities currently, particularly in small rural and minimally staffed agencies. A fiscal note that should also accompany an expanded task should include the technical capacity that would allow each agency to be able to meet the requirements of the bill when it is currently beyond their existing capacity.

Alternatively, if this information is desired to be posted publicly as mandated by this legislative action, then it should be collected by the state, similar to other centrally collected materials like pesticide and forestry ordinances adopted locally, instead of requiring each agency to have a separate burden and a position should be funded to support the activity at the state level for all agencies to meet the statewide burden.

For a multitude of reasons associated with existing law already in place governing this information, additional burdensome administrative requirements, and the need to have websites not ubiquitous across the state, officials oppose the prescriptive process outlined in the bill.