



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642
Portland, ME 04112-8642
(207) 523-9869
mainemacdl@gmail.com

2026 OFFICERS

President
Matthew D. Morgan

President-Elect
Sarah E. Branch

Vice President
Luke Rioux

Secretary
Caitlyn Smith

Treasurer
Justin Andrus

2025-2026 DIRECTORS

Jesse James Archer
Randall Bates
Dylan R. Boyd
Daniel Dubé
Andrew Edwards
Benjamin T. Everett
Kristine C. Hanly
James Mason
Joseph Mekonis
Jennifer Rohde
Robert J. Ruffner
John Steed
Lisa Whittier

EXECUTIVE DIRECTOR

Tina Heather Nadeau

January 8, 2026

Senator Anne Beebe-Center, Chair
Representative Tavis Hasenfus, Chair
Joint Committee on Criminal Justice and Public Safety
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 1671 : An Act to Establish Disclosure Requirements Regarding Law Enforcement Officer Credibility Information

Dear Senator Beebe-Center, Representative Hasenfus and Members of the Joint Committee on Criminal Justice and Public Safety,

I am writing on behalf of MACDL in support of LD 1671.

This bill seeks to do what really should have been happening a long time ago. Defendants are entitled to know about a law enforcement officer's credibility issues, and this goes all the way back to the 1972 case of *Giglio v. United States*, 405 U.S. 150 (1972). Fifty-three years ago, the United States Supreme Court held in *Giglio* that evidence that would serve to impeach a witness's credibility must be provided by the government to a defendant.

And yet, despite this decades-old decision, and an expectation that law enforcement agencies would provide this information to prosecutors, that information is often not forthcoming at all. Defendants are forced to rely on word of mouth about law enforcement officers who have made false statements in reports and even under oath, despite the fact that this information which was clearly known to a law enforcement agency, was not provided to a prosecutor's office.

Some prosecutors have sent letters to law enforcement agencies indicating that they should be provided with this information, and yet these requests, when made at all, are not robust to put it mildly. There has never been a strong statement from prosecutors to law enforcement agencies that this information must be provided. As a result, there has been a culture of turning a blind eye to significant credibility issues of law enforcement officers and providing that information to defendants.

One can certainly understand why this might happen: a law enforcement officer who is not credible because of prior false statements and even false statements in a particular case is a law enforcement officer who should not be in law enforcement at all. Law enforcement agencies do not want to lose law enforcement officers because

they can no longer testify credibly, but that is a terrible standard and contravenes all notions of due process, not to mention a direct violation of the United States Constitution as well as the Maine Constitution.

This bill specifically requires that an agency disclose to a prosecutor information with respect to specific conduct that calls into question the credibility of the officer as a witness. It also requires that a law enforcement agency actually adopt specific written policies and procedures for disclosing this information. This bill would, at long last, put into place an actual procedure to make sure that compliance with the 53-year-old decision in *Giglio* is adhered to.

Will prosecutors and law enforcement agencies support this bill? That remains to be seen. It is hard to imagine that prosecutors and law enforcement would support anything short of a process just like this. Indeed, any opposition to this bill by prosecutors or law enforcement agencies significantly calls into question their commitment to a fair process in our courts for defendants facing criminal prosecution.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter F. McKee".

Walter F. McKee

WFM/rp