

Testimony of Maine Association of Police Executive Director Paul Gaspar before the Joint Standing Committee on Criminal Justice and Public Safety

Wednesday January 7th, 2026

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

Senator Beebe-Center, Representative Hasenfus, and members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Paul Gaspar and I am a resident of South Portland.

I speak before you today in both my capacity as the Executive Director of the Maine Association of Police (MAP) and our membership of approximately 850 full time, municipal police officers and public safety dispatchers throughout the state. Today, I speak in **opposition** to LD 1671 "An Act to Establish Disclosure Requirements Regarding Law Enforcement Officer Credibility Information".

Maine law enforcement has been on the forefront of continual and consistent professionalization of its own accord for decades, exemplifying the well-known credo; "As goes Maine goes, so goes the nation!"

Unique and early implementations of this effort, include; the licensing of law enforcement and correction officers, as well as public safety dispatchers, a continually assessed and mandated curriculum of the Maine Criminal Justice Academy, as well as extensive oversight and accountability of officers by both Maine Criminal Justice Academy, the Maine Legislature and this very committee, speak to the inherent cooperation of all of these tenets, most importantly, the men and women who answer the call to serve their communities and the citizens of the State of Maine.

In addition to these forward-looking efforts, the expectations and standards of officer veracity and its interplay with guaranteeing an accused individual's right to a fair trial and due process as enumerated in the 14th Amendment of the United States Constitution, have been a constant thread throughout these efforts and continue to grow in both their presence in new officers, as well as veteran officers alike.

These efforts historically pre-date and are strengthened by the United States Supreme Court's recognition of these tenets in two seminal decisions; *Giglio v. United States* (*Giglio v. United States*, 405 U.S. 150 (1972)), and *Brady v. Maryland* (*Brady v. Maryland*, 373 U.S. 83 (1963)). Both cases (summaries attached) primarily deal with the compulsion to provide any and all potentially exculpatory evidence if held by prosecutorial agents. Over years of interpretation this has expanded to the sustained past and present unprofessional conduct of an officer and its effect on their credibility have become an integral part of what could be considered exculpatory, in favor of an accused individual based on their constitutional rights.

MAP, although in opposition to LD1671, in no way suborns or seeks to restrict the due process and individual rights of citizens in their efforts to enforce the law. We believe the obligations under federal, state and supreme court law already address these matters and provide a resolute structure in the prosecution of individuals accused of a crime. LD 1671 seeks to broadly overreach these established structures and simultaneously deprive individual officers of the due process that is afforded any United States citizen in a criminal court. This ignorance of these clearly established tenets serve only to instill fear in officers acting in good faith under their oaths and prevent the full faith and credit needed by officers to fully commit, with the knowledge that they will be afforded the support and protections in pursuit of that effort.

The intricacies of *Brady* and *Giglio* matters are well plowed ground, having been in existence since their decisions over 60 and 50 years respectively. However, in Maine there are constant and inconsistent interpretations and applications that play out every day, causing officers to second guess themselves, reduce their proactiveness, and force them hesitate to act; both for the safety of citizens and each other for

fear of reprisals from a fractured, unclear and inconsistent application of allegations by individual District Attorneys' Offices through the state.

MAP has been proud to be on the forefront of this matter working in 2016 with the Maine Chiefs of Police in drafting what would become their model policy, 2-38 "Giglio Information (2nd ED) 06-01-2016" which is still in use (<http://mainechiefs.com/mcopa-policies>). In this policy the cooperative venture between MAP and the Maine Chiefs and representatives from the Maine Attorney General's Office created a policy that addressed the concerns of all parties as to the application and reporting of material to District Attorneys for sustained Giglio or Brady material, including an annual questionnaire provided to the respective District Attorney jurisdictions.

However, when presented to the individual member District Attorneys of the Maine Prosecutors Association, it was met with pushback, ultimately resulting with individual District Attorneys creating their own local/internal policies that were widely different in their scope, authority and any discernible type of due process for officer protections. Not only in the construct of fair hearing and due process but also once erroneously released to defense counsel, becoming public, exposing officers who were denied these protections, and making them subject to undue public ire, doxing, and the extension of their safety onto their spouses, children and relatives who have no connection with or have sworn the same oath as the individual officer.

In the vacuum of these individual fragmented, disparate and unbound policies across the state in each prosecutorial district, there is no clear, discernable, consistent, or fair application in a matter that lies at the very heart of every Maine law enforcement officer; that their loyalty, veracity and ethical/moral standards, which are at the core of their beings in public service will be judged inconsistently, unfairly and without a standard that is applied to virtually all other standards they are held to in statute, licensing and professional policies/standards.

This inconsistent "patchwork" of policies has also led to overreach by both District Attorneys, Law Enforcement Administrators, and the Criminal Justice Academy. As an example, we have an emerging situation in one of our member units in which a District Attorney threatened a local association president with a Giglio determination and ordered him to remove, thorough the local police chief and town manager a social media post on the association's Facebook page critiquing the low prosecution rates of the District Attorney's office.

The efficacy of the prosecutorial district by virtue of elected office is certainly a public concern and a sovereign entity's right to express opinion is protected speech. Although there was one item in the post of the actual percentage of cases dismissed that was unintentionally overstated, it was immediately addressed and corrected.

A union's social media post is neither answerable to the chief, the town or the district attorney as the unit is a sovereign entity and has specific 1st Amendment right in public matters of interest under another U.S. Supreme Court case; *Garcetti v. Ceballos* (*Garcetti v. Ceballos*, 547 U.S. 410 (2006)). This type of unchecked, self-serving interpretation, and overreaching by individual District Attorneys should not only give all good law enforcement officers pause, but certainly the general public as well. It not only instills a chilling effect among our members, but erodes public trust and confidence.

It is surprising that the Maine Chiefs and Prosecutors Association would collaborate in this present effort. With no deference to their own model policy the chiefs create a bill that eliminates the burden of a sustained, proven act and the fair and due process to appeal in this bill. In and of itself, it creates a specter of an attempt to use Giglio and Brady issues as convenient tools to discredit, disavow or terminate an officer.

In the case of the Maine Criminal Justice Academy which adopted new rules regarding Giglio and Brady through a low profile, unpublicized effort through the legislature, now has a venue in which it can summarily circumvent and subvert the due process and fair appeal as statutorily provided and protected

under Maine Labor Relations Law and labor contracts under the guise of a licensing agent. The only appeal available in this right is a cumbersome and costly process in which deference is shown to the licensing authority, regardless of a judges in-camera decision as to whether or not a individual officer is either Giglio or Brady impaired.

All of these conditions, thus codified in a bill such as LD 1671, serve to create a chaotic, interpretive and potentially abusive overreach, even in the event that a consistent policy is devised. Without input, collaboration and recognition of the concerns of the people that will become answerable to this policy if enacted, there will never be a professional acceptance of this by the law enforcement officers held under its yoke. It is further exacerbated for individual officers, that no other “officer of the court” such as District Attorneys or Assistant District Attorneys of other state prosecutors who identify themselves as law enforcement are either bound by, or accountable under this policy. In fact, prosecutors enjoy immunity from penalties as they sought to receive that protection asserting that they should not be held accountable for information withheld from them either purposefully or accidentally by a law enforcement agency.

MAP absolutely supports the creation of a single and consistent method of maintaining the high level of Maine law enforcement and prosecutorial credibility. However, LD 1671 does not accomplish this as it evades accountability for its actions under the law and provides no discernible process for a fair and due appeal process as well as any relief or protection for any individual officer from a potential end-run decertification by the criminal justice academy.

On behalf of our Members, their families that depend on them and the Board of Directors at MAP, I would urge and hope for the Committee to vote “Ought Not to Pass”.

Thank You for your time and I will be happy to attend the work session on this bill.

Sincerely,



Paul D. Gaspar
Executive Director
Maine Association of Police
Maine Law Enforcement Coalition.