



**STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE STATE POLICE**

Colonel William Ross
CHIEF

LTC Brian Scott
DEPUTY CHIEF

**TESTIMONY OF MATTHEW RUEL
DIRECTOR, STATE BUREAU OF IDENTIFICATION**

Oppose LD 1911, 1916, 1917, 1919

Members of the Committee:

My name is Matthew Ruel, and I am the Director of the State Bureau of Identification within the Department of Public Safety. I provide this testimony on behalf of the Administration in Opposition to LD's 1911, 1916, 1917, 1919. Testimony on all bills has been combined because of the overlap of concerns and issues with the LDs as drafted.

SBI serves as the repository of all criminal history information in the state and currently provides criminal history for law enforcement and public purposes. We are responsible for providing this information to law enforcement across the country, from the officer roadside all the way through the criminal justice process up to judges making sentencing decisions. This information is also used as part of hiring, certification, and licensing requirements on a state and national level. Many organizations rely on this information to vet potential employees or volunteers that have direct contact with vulnerable populations. SBI completes more than 500,000 public searches annually. Having an accurate, complete, timely criminal history is our mission and a key component in public safety. My purpose in providing this testimony is to point out concerns and challenges I would see in incorporating proposed changes into our work process.

For consistency and to avoid confusion we appreciate that changes have been made to these LD's. I believe that a court review process that is already in statute is the best process to follow as it is already established between the courts and SBI.

We currently have a sealing process in place where we get a sealing order from a court proceeding and make the necessary changes within our system to limit dissemination of the record for law enforcement purposes. What happens if the person commits new criminal conduct, how would it be used as an enhancement to a crime? Can someone seal a record, commit new crimes, and seal again? Criminal history is used across state lines for charging purposes, if its sealed and can't be used is that what is intended? What about research? If I seal records how do researchers identify performance on crime statistics and/or address recidivism? What about gun checks? Criminal history is used for many checks of people working with vulnerable populations.

Many older records may be in archives, not in our/or the court's possession, or possibly destroyed. They also may be in a format that is not easily reviewed by staff or need further legal review to make a determination regarding the potential to seal.

As I have indicated in prior legislative sessions, how do I identify old records of drug crimes when they may have been classified as schedule Z drugs and would take a legal review of case reports to make a sealing decision? Any action on these cases will require a hand search of records and a legal review process (outside of SBI's/courts ability) to make a decision. There are also going to be numerous records that may have been destroyed as part of record retention policies.

We have also heard from victims who expressed concerns about records being shielded from the public and putting other people at risk.

When a person has been convicted of committing a crime this reflects the culmination of acts by the three branches of our government. The Legislature has enacted a law criminalizing certain conduct. The Executive has collected evidence that the individual has committed conduct that was in violation of that law. The Judiciary has determined that the facts alleged met the burden of proof and have entered a judgment of guilty. The proceedings occur in open court for all to scrutinize so that the public can be sure justice has been done without favor. When we start shielding those results, we must be mindful that we are covering up the results of that process. For these reasons and many others, the Administration is in opposition to these LDs.

If there is any further information needed or questions I can answer, please let me know and I will do my best to provide it to the committee for any work session.

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Matthew Ruel
Maine State Bureau of Identification
LD 1916

this testimony is for 1911, 1916, 1917, 1919