

**DEPUTY DISTRICT ATTORNEY
JUSTINA A. MCGETTIGAN**

**VICTIM/WITNESS ADVOCATES:
PAMELA A. ROBERTS, Director
DOREEN STAPLES
RACHEL V. SHERMAN
ELIZABETH J. CORCORAN
CHRISTINE P. VERESPE**



**KATHRYN LOFTUS SLATTERY
DISTRICT ATTORNEY
YORK COUNTY COURTHOUSE
45 KENNEBUNK ROAD
ALFRED, MAINE 04002
TEL: (207) 324-8001
FAX: (207) 490-6990**

**ASSISTANT DISTRICT ATTORNEYS
TANYA L. PIERSON
LINDA HOLDSWORTH DONOVAN
JOHN W. CONNELLY
THADDEUS W. WEST
LAUREN K. DALEY
ANNE MARIE PAZAR
SHIELA E. NEVELLS
ANDREW E. BERGGREN
MARK E. SQUIRES
KRISTEN R. DORION
MATTHEW J. RICHWALDER
LAURENCE D. ADAMS
TAYLOR N. SAMPSON
STEPHANIE D. KNIGHT
ASHLEY N. JORDAN**

Senator Carney, Representative Moonen and members of the Joint Standing Committee on Judiciary. My name is Andrew Berggren and I represent the York County District Attorney's Office and am here to testify in support of LD 186.

My name is Andrew Berggren and I am an Assistant District Attorney in York County. Currently I prosecute a majority of the felony cases out of the City Biddeford. I come before speaking in favor of adding additional prosecution positions throughout the State.

The demand that the current dockets place on prosecutors make do an effective job almost untenable. The drain on time has accelerated over the past five years for two reasons, both of which are not easily measured with any specific metric. The first is the skyrocketing quantum of evidence that is being submitted and needs to be reviewed with each investigation; the second is the emergence of specialty court dockets, specifically the drug, veterans and mental health courts throughout the State.

First, the volume of evidence being submitted to our offices. Technology has handed prosecutors many great additions to aid in the investigation and prosecution of crimes. But the key word is addition.

Today, each responding officer has both a body camera and a camera mounted in their cruiser(s). The presence of security cameras, most notably ring cameras, has exploded. A crime occurs in the middle of a block, law enforcement may end up with 4-5 different sets of video footage provided from concerned citizens. When cases get submitted, I have an obligation to review all of this footage, there is no way to streamline or shortcut this process. I am confident saying each of these recordings are in the ballpark of 45 minutes to an hour each. And

when, in some of these more densely populated areas, 3-4 officers respond, with two cameras apiece, plus Ring camera footage to boot, that is hours of reviewing footage before a case is presented to a Grand Jury.

I am in court or in conferences every day of the week and four out of five days it is both morning and afternoon. As our cases numbers go up, I am in court more and more. At the same time, the volume of digital evidence that needs to be reviewed for each case grows at an incredible pace.

Added to the triage equation is the time that reviewing warrants takes and the need to have them turned around quickly. Digital evidence is omni present in our cases today. (i.e. phones, information in the cloud, and all manners of social media or service providers) The means to secure that evidence, whether by subpoena or warrant are an incredible demand on time and energy.

Search Warrants for much of this evidence are in the range of 20 – 25 pages. These warrants need to be reviewed, law enforcement advised and recommendations made. I don't have the luxury of skimming these documents, I don't have the luxury of delegating to support staff, these documents require my full attention and take time to work through. It is not uncommon for a complicated investigation to have four or five search warrants reviewed, on top of the drafting of any necessary subpoenas for further evidence as well. It is not uncommon for a warrant to take an hour or more to review and make suggestions to the officer. Further, many of these warrants are time sensitive and require quick turn-around.

The second added strain on time is the number of new dockets being added by the court. Diversionary dockets, treatment courts and mental health dockets are sorely needed and great for those in those programs. I, myself, handle the prosecutor's position on the Veteran's Court program in York County.

However, the strength of these dockets are their flexibility, responsiveness and the time that the court and respective treatment teams and focus on a single defendant. Court sessions can last whole mornings, and further hearings can be added to a prosecutor's schedule within 72-hours of an event, hearings, limiting even more time to focus on a single case. These dockets are excellent, but their focus, function and pace are so different and incongruent with the standard court dockets that a prosecutor cannot fulfill the needs of these dockets unless they can focus their energies on the goals of these specialty courts.

For these reasons, I speak on behalf for the York County District Attorney's Office in support of LD 186.