



Maine Commission on Public Defense Services

Highlands Region Public Defenders
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Senator Anne Carney

Representative Amy Kuhn

Members of the Joint Committee on Judiciary

February 24, 2025

Please accept this testimony IN FAVOR of LD 425, *An Act to Establish a Conviction Integrity Unit*.

First, I want to share with you a distinct experience from my career that highlights the need for such a Unit. In 2018, former Sargent Michael Hashey of the Old Town Police Department was convicted of theft, tampering with public records and tax evasion. Hashey had been with the Old Town police Department for many years at that time, and I had handled cases where he was an investigating officer.

Shortly after Hashey's Indictment, I was appointed as Post Conviction Review Counsel for a client who had been convicted of a couple of burglaries and thefts in Old Town. Sargent Hashey was the arresting officer. One of the issues in the Post-Conviction Review was whether my client had to pay restitution as ordered by the court. My client's claim was that many of the stolen goods were in his vehicle when Hashey pulled him over yet never made it into the inventory of the items seized by law enforcement that day.

I learned a few things in handling this case. First, I learned that the Attorney General's office had prosecuted Hashey, because the Penobscot County DA was conflicted out. That makes sense. Then, I learned that neither the Penobscot County DA nor the Attorney General's Office had done a comprehensive review of ex-Sargent Hashey's cases to identify any places where Sargent Hashey's credibility, or involvement might raise a concern about actual innocence, or in the case of thefts, a question of who actually stole the items. In other words, we don't know whether Sargent Hashey stole from the Town of Old Town only or also stole from criminal suspects, crime victims, or anyone else, because no one ever looked.

A Conviction Integrity Unit should be able to conduct these types of comprehensive reviews when Police Officers commit crimes, particularly those of dishonesty, or involving misrepresentation. Law enforcement is given an enormous amount of deference in our system—particularly where they lack, misuse or do not use body cameras—and their word carries an immense weight with prosecutors, judges and the public. Other advantages to a conviction integrity unit include: the ability to see patterns in problematic convictions, including those related to the crime lab, certain law enforcement officers and certain prosecutors; the system learning opportunity from “near-misses,” or wrongful convictions; and, the public trust increase when a neutral party has the power to review increasingly politicized policing and prosecution in our criminal legal system.

Of course, a CIU, like any function of government can only succeed if funded appropriately. One way to assess the appropriateness of such funding would be to look at the nationwide numbers on questionable or wrongful convictions as a percentage of overall convictions. Funding this CIU at such a percentage of the sum of overall state-wide prosecutorial budgets would then make sense. A cursory review of these statistics suggest that 3-10% of convictions suffer from integrity issues.

Finally, I would urge you to carefully consider where to house such a Unit. While this bill appropriately anticipates a high level of separation from the criminal prosecutorial offices inside the Attorney General's office, I would note that these units are the most impactful when they have a robust relationship with the defense bar, which may be the most potent source of referrals for this type of work. Additionally, it may be useful to review or revisit the track record of the Attorney General's office in investigating Lethal Force incidents by law enforcement when assessing where to house this Unit, and how to adequately protect it from the forces that seek to protect convictions and law enforcement as a matter of routine.

Respectfully Submitted,

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