

# MERRILLS

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## INVESTIGATIONS & SECURITY

Monday, 17-March-2025

Good morning, Senator Beebe-Center, Representative Hasenfus and respective members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Michael Harrington, II, I am a resident of Winthrop, a business owner in Readfield, a Maine Professional Licensed Investigator of 27 of years and the Co-Owner and Vice President of Merrill's Investigations and Security. I am also President of Professional Licensed Investigators of Maine (P.L.I.M.) We have worked tirelessly over the years within the legislature to help bring the highest level of professionalism into our industry. I am testifying today in opposition to LD-534.

In the investigation world, whether it be conducted by Professional Investigators or Law Enforcement, there are only two types of interviews; Custodial and Non-Custodial. A Custodial Interview is when an individual is under arrest and being charged with a crime therefore is in custody during the interview and are not free to end the interview and leave. A Non-Custodial interview is the only interview a Professional Investigator conducts and the Professional Investigator 'always' makes it clear to the subject of the interview they are free at any time to end the interview and leave.

The purpose of an interview is to conduct the interview in an unbiased manner and collect true facts of a matter regardless of whether those facts help or hurt the clients position in the matter. I feel singling out this type of interview could hinder the ability to do that.

In my 27-year career in professional investigations and managing a company that engages the vast majority of professional investigators in New England, I can personally attest that all investigators I have managed over the years have always held themselves to the highest standard of professionalism and ethics. This includes being very forthcoming during interviews. The normal practice is to introduce yourself, show them your professional license, provide them with a business card and inform them who you are representing. If they agree to speak with you, the interview commences from there.

(OVER)

***Any misrepresentation by a Professional Investigator would be in direct violation of the existing laws contained within Title 32, Chapter 89.***

There are 30 Sub Sections of existing law which pertain to professional Investigators in Title 32, Chapter 89, Sub Sections 8101 thru 8124. Of most relevance here I would direct your attention to Sub Section 8114-A "Complaint Investigation; Disciplinary Actions" This is the mechanism which already exists in law and is upheld by the Chief of the Maine State Police as Maine Professional Investigators are licensed and governed by Maine Department of Public Safety, Maine State Police Special Weapons and Licensing Unit. There is also a Board over professional Investigators which assists in matters pertaining to professional Investigators.

Therefore, it seems unnecessary and inappropriate for additional law to be worked through when there are already many laws in place to address any individual concerns with the way a Professional Investigator conducts any of their business.

I feel as though this additional, confusing and unnecessary proposed law and the language used within could sway the outcomes of interviews as they are conducted and lead subjects of interviews to answer questions in a predetermined way therefore skewing accuracy of the facts gathered during the interview.

This proposed law also mentions minors and I would like to point out that this is already addressed in Title 32, Chapter 89, Subsection 8112 Paragraph 9.

Thank you for your time and consideration of our position on this matter.

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