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Testimony of Major Tyler Stevenson
Maine State Police

In Support of (882)

An Act to Protect Communication with Providers of Critical Incident Stress Management Peer Support.

Sponsored by Representative Salisbury
Committee on Criminal Justice and Public Safety

Senator Beebe-Center, Representative Hasenfus, and honorable members of the Committee on Criminal Justice and Public Safety: My name is Major Tyler Stevenson, and I am providing testimony on behalf of the Maine State Police and the Maine Department of Public Safety in support of LD 882, "An Act to Protect Communication with Providers of Critical Incident Stress Management Peer Support."

This bill aims to protect people who administer critical incident stress management from being compelled to testify in any criminal or civil suit regarding what was said during peer support or critical stress debriefs while requiring compliance with mandated reporting laws. Currently, Maine law provides some protection to communications and records connected to the work of critical incident stress management teams, while requiring information to be disclosed under certain situations. We would recommend combining the existing protection of communication and records with the proposed expansion here into criminal and civil cases.

The Maine State Police offers peer support with its Members Assistance Team (MAT). This team conducts critical incident stress management peer support (also known as debriefing, debriefs or diffusions) to Troopers, other DPS employees, and others involved in the critical incident on a regular basis. It's not unusual for a large incident to involve dozens of people who were exposed to a traumatic event. Typically, the MAT organizes a critical incident stress debrief to take place one to three days after the incident and will include everyone who was directly involved in the incident. This allows peers to discuss the event and share their observations, feelings and experiences together. This experience can be very beneficial for those involved. For this support to be effective it is essential that the members trust what they say is confidential and is only used for their wellness and the wellness of the others involved. Without this trust, people are hesitant to utilize peer support, so they do not get the support they need.

Some of the most traumatic incidents officers and first responders, including, the Maine State Police and Department of Public Safety employees face are officer involved shootings. When an officer involved shooting occurs the Attorney General's Office conducts a criminal investigation to determine whether or not the officer was justified in using deadly force. Under the current statute some Troopers involved in an officer involved shooting would not participate in peer support at the advice of their attorney because there is no guarantee that communications and

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records will be protected in a criminal investigation. This has a negative impact on **all** who need critical incident stress management peer support.

If passed, this bill would protect a provider of critical incident stress management peer support from having to testify in a civil or criminal suit but would leave the communications or records of others only protected from use in civil actions. In other words, it would protect members of the Members Assistant Team who are facilitating stress management but would not protect the members participating in the debrief. One participating officer could be compelled to testify to what another participating officer said during the debrief. It is our recommendation that everyone and every communication involved in stress management should be protected unless the information shared is mandated to be reported.

On behalf of the State Police and the Department of Public Safety, we appreciate your careful consideration of these issues. Thank you for your time and we would be happy to answer any questions at this time.

Respectfully,

Major Tyler Stevenson