



Janet T. Mills
Governor

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STATE OF MAINE
Department of Public Safety
MAINE CRIMINAL JUSTICE ACADEMY
15 Oak Grove Road
Vassalboro, Maine 04989



Michael J. Sauschuck
Commissioner

Jack D. Peck, Jr.
Director

Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Criminal Justice and Public Safety Committee.

My name is Jack Peck, and I am the Director of the Maine Criminal Justice Academy (MCJA) and I am here today to support L.D. 1607, An Act to Require Law Enforcement Agencies to Adopt Written Policies Regarding Compliance with Certain Constitutional Obligations Related to Disclosure of Evidence.

Government disclosure of material exculpatory and impeachment evidence is part of the constitutional guarantee to a fair trial. *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *Giglio v. United States*, 405 U.S. 150, 154 (1972). The law requires the disclosure of exculpatory and impeachment evidence when such evidence is material to guilt or punishment.

Because they are Constitutional obligations, *Brady* and *Giglio* evidence must be disclosed regardless of whether the defendant makes a request for exculpatory or impeachment evidence.

Currently, law enforcement agencies in the State of Maine have no mandatory policy or procedure on how to uniformly collect and report this evidence. Individual prosecutorial districts have different methods on how they want these disclosures identified, reported and disclosed.

This bill requires that, by January 1, 2026, law enforcement agencies adopt written policies regarding procedures to deal with assisting a prosecuting agency in complying with the prosecuting agency's constitutional obligations under *Brady v. Maryland* (1963) and *Giglio v. United States* (1972).

This bill would also require that law enforcement agencies comply with mandatory disclosures to the Maine Criminal Justice Academy.

Should this bill pass, the Maine Criminal Justice Academy's Board of Trustees will establish policy standards for the provision of *Brady* and *Giglio* information to prosecutors and would also establish requirements for law enforcement agencies to report untruthful conduct by law enforcement officers in connection with their official duties to the Board for potential disciplinary action. Every law enforcement agency in Maine will be required to maintain a policy conforming to these standards.



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This proposed legislation not only makes common sense but would align our law enforcement community with already established federal statutory law and would provide clear guidance to police leaders on this complex and evolving topic.

I wish to thank this committee for your time and support, and I will try to answer any questions you may have.