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STATE OF MAINE
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MAINE STATE POLICE

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Chief

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Testimony of Major Scott A. Gosselin
Maine State Police

OPPOSED LD 1817

An Act to Implement the Recommendation of the Maine Commission on Public Defense Services to
Eliminate the Crime of Violation of Condition of Release
Reported by Senator Carney for the Joint Standing Committee on Judiciary
Joint Standing Committee on Criminal Justice and Public Safety

Senator Beebe-Center, Representative Hasenfus and other distinguished members of the joint standing committee on Criminal Justice and Public Safety. My name is Major Scott Gosselin and I am here representing the Maine State Police and the Maine Department of Public Safety and to testify in OPPOSITION to LD 1817.

This bill eliminates one of the key tools of a law enforcement officer to protect public safety and to keep and preserve order. The elimination of the Crime of Violation of Conditions of Release would make it more difficult for an officer on the street to preserve the peace.

When a person commits a crime an officer has a choice to either give the suspect a court date for the crime or to take the suspect to jail. As it relates to misdemeanors in particular, there are certain conditions that must exist in order to take someone to jail but given that those conditions exist, or for other felony arrests an officer will weigh whether or not bringing someone to jail is the most fitting and appropriate course of action.

Bringing someone to jail is not punishment, it is meant to protect the public from further harm, to ensure a court appearance and to prevent new crimes. As it relates to ensuring their appearance in court, we allow the opportunity for bail in exchange for the suspect to provide some other collateral (mostly monetary) or assurance that they will attend their court date.

As far as protecting the public from further harm related to the original crime, certain conditions are put into place which further protect the public from future harm while the person is at large and awaiting their court date. Some of those conditions could be, to name just a few:

- To obey all laws
- To not possess weapons
- To stay away from certain places or certain people (in our case, possibly the person who was assaulted)

INTEGRITY

FAIRNESS

COMPASSION

EXCELLENCE



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- To not use drugs or alcohol (this restriction can only be imposed upon a presentation to the judicial officer of specific facts demonstrating the need for such condition)

This is basically a conditional second chance, or in many cases multiple chances, to re-enter the community provided that you promise not to continue the same criminal behavior or participate in new ones.

By eliminating the ability charge someone for violating these conditions, takes away the critical tool that law enforcement currently possess which allows us to take action when trust or the conditions of that second chance is broken.

More specifically related to this legislation, by eliminating the ability to charge Violation of Conditions of Release is a hindrance to our ability to preserve the peace and protect order. This is a fundamental component of law enforcement.

Categorizing a Conditional Release violation as nothing more than a nuisance charge is easy when you are not the one affected by the conduct or you are not the victim of the original criminal conduct and are subject to continued inappropriate conduct. However, when you are the victim, this conduct is a big deal and sometimes being able to charge Violations of Conditions of Release allows the police greater leverage in dealing with difficult situations that they would have had otherwise. Eliminating the crime of Violation of Conditions of Release would essentially eliminate a critical tool of law enforcement.

It is for these reasons that we OPPOSE LD 1817.