



Matthew A. Harrington  
Asst. Republican Leader  
Senator, District 33

**THE MAINE SENATE**  
132<sup>nd</sup> Legislature

3 State House Station  
Augusta, Maine 04333

**LD 1823, "An Act to Promote Transparency in the Criminal Justice System  
by Requiring the Posting of Criminal Case Decisions"**

**Joint Standing Committee on Judiciary  
May 19, 2025**

Senator Carney, Representative Kuhn and Members of the Joint Standing Committee on Judiciary:

I am Matt Harrington; and I represent Senate District 33, which includes the communities of Alfred, Lebanon, Sanford and Waterboro. I am pleased to present LD 1823, "An Act to Promote Transparency in the Criminal Justice System by Requiring the Posting of Criminal Case Decisions."

I'd like to give you a scenario that is the predicate for this legislation. I am a police officer. Let's say I search and subsequently arrest someone for drug possession of a Schedule W drug. My part of the process is to detain and book the suspect and then, perhaps, take the detainee to the county jail to await a bail hearing. Meanwhile, I create my arrest report and file that complaint report with the respective district attorney's office that has jurisdiction over my department.

It's a rather straightforward process, one in which all police officers in this state are trained to do. In fact, it is a core function that is crucial to the successful prosecution of the underlying charge since we are the source for and trigger of the process.

In some cases, we may issue a press advisory through a public information officer, or PIO. That public disclosure keeps law enforcement agencies transparent to the public, especially if the detainee is of particular notoriety or the underlying crime is serious enough. The public is then aware at the front end of the criminal justice process that something has happened in their community.

What happens next is completely out of our hands. In some cases, suspects are prosecuted through a criminal trial. In other cases, defendants may reach a plea bargain with prosecutors. Either way, there is a resolution to the case; and that resolution, or what we call disposition, is public knowledge.

But what happens if the detainee is never charged and a complaint is never filed with the state's Judicial Branch and never gets to the Unified Criminal Docket? The public never knows what happened.

Now, cases are dropped for a variety of reasons. Perhaps prosecutors felt there wasn't enough evidence. I often disagree – Maine's law enforcement officers don't arrest people willy-nilly. If I make an arrest, I had articulable probable cause at the start and subsequently evidence at the end to do so. That is just how we're trained.

More often than not, county district attorneys or even the Attorney General's Office use what they call "prosecutorial discretion" to simply drop cases, despite overwhelming evidence, to save time and resources. That is not only disrespectful to the law enforcement personnel who went through the arrest process but also a dereliction of their duty to the public. I'd even call it lazy.

The problem is the public doesn't even know this is happening. And, unfortunately, it's happening way too often. The lack of transparency between arrests and prosecutions can easily lead to a lack of accountability, an erosion of public trust and make it difficult to identify and address systemic issues within the criminal justice system. This opacity makes it challenging for the public to understand how arrests are converted into prosecutions and why certain cases are pursued while others are not.

You could easily believe dropped cases are the result of favoritism, nepotism or – and believe me, I truly hate to say this – even outright bribery. How could you know otherwise? That is the most damaging perception a criminal justice system could ever earn.

That said, the bill before you seeks to address that gap in transparency – the part of the process when an arrest is made and the court complaint is filed. As written, the bill goes a bit too far as I recently learned the Judicial Branch is rolling out their eCourts electronic records system for the Unified Criminal Docket.

That is a great development and one that is truly needed since the Judicial Branch has had this online functionality available for the civil side for quite some time but has been behind the curve for the criminal side of the court system. I am sure Barbara Cardone can fill you in on how that is being rolled out across the state starting in June.

The piece still missing is the accountability for charging decisions made by local district attorneys and the Office of the Attorney General.

I'd also make the argument from the other side of the coin. What if you were arrested and that information was disseminated to the public but no one ever heard how it was resolved? People could never know that you were never prosecuted. That is what is happening now and that's not right either.

While the eCourts online system will take care of case dispositions in a fully transparent manner, which brings accountability to the system, it does not exist now in how charging decisions are made. In my law enforcement work, I see this happen every day; and we need to solve it.

Thank you for your time and consideration today. I ask that we work on amending LD 1823 to bring back accountability, fairness and public oversight of our prosecutors.