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Testimony of Major Lucas Hare

Support LD 1671

An Act to Establish Disclosure Requirements Regarding Law Enforcement Officer Credibility Information

Senator Beebe-Center, Representative Hasenfus, and distinguished Members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Lucas Hare, The Operations Major of the Maine State Police, and I am here today to testify in support of LD 1671.

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.

Due to 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 procedures on how to uniformly collect and report this evidence. Individual prosecutorial districts have different procedures to disclose information that may affect an officers' credibility. This inconsistency in identification, disclosure and reporting of credibility information has been exacerbated by the recent court decision in *US v. Banks*.

This bill creates a framework for Law Enforcement agencies, District Attorney's and the Courts to disclose information that may affect the credibility of a Law Enforcement Officers. This bill also allows Law Enforcement Officers to file a petition in Superior Court to require credibility information to be removed if found to be false.

Consequently, we support LD 1671. I am happy to answer any questions the committee may have.