

KATHRYN SLATTERY
DISTRICT I

JONATHAN SAHRBECK
DISTRICT II

ANDREW ROBINSON
DISTRICT III

MAEGHAN MALONEY
DISTRICT IV

STATE OF MAINE



MARIANNE LYNCH
DISTRICT V

NATASHA IRVING
DISTRICT VI

MATTHEW FOSTER
DISTRICT VII

TODD R. COLLINS
DISTRICT VIII

OFFICES OF THE DISTRICT ATTORNEYS

Friday, March 26, 2021

Committee on Criminal Justice and Public Safety
c/o Legislative Information
100 State House Station
Augusta, ME 04333

VIA Email to: CJPS@legislature.maine.gov

RE: **Testimony in General Support of LD539 and LD573**

Good day members of the Committee on Criminal Justice and Public Safety.

Thank you for this opportunity to present testimony on the proposed legislation affecting Maine's Criminal Code before you today. I am offering this testimony as a representative of the Maine Prosecutors' Association and the consensus view of Maine's prosecutors.

The consensus of the Maine Prosecutors' Association (MPA) is in general support of **LD539 and LD573** as they pertain to expanding the scope of the personnel records of applicants to, and employees of Law Enforcement Agencies.

In 2013, the MPA asked this Legislature to allow state, county and municipal government employers to disclose otherwise confidential personnel records to prosecutors when it is necessary for the determination of whether or not a defendant has a constitutional right to any of the information in the records, in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). That Bill (LD900) became law later that year.

To the extent that **LD539 and LD573** provide better and more complete information to be contained in those personnel files, then Maine's prosecutors are better able to conduct our constitutional obligations. To the extent that the Bills ensure the transferability of personnel files as an applicant / employee moves from one law enforcement agency to another, then Maine's prosecutors have a more complete record to inform our analysis.

We cannot, however, speak to the nuts and bolts of how these goals are best accomplished – Maine's Law Enforcement Agencies are your best resource to understand the practical implications of these Bills – so, we offer our general support of **LD539 and LD573**.

Be Well and Stay Safe,

A handwritten signature in blue ink that reads "Todd R. Collins".

Todd R. Collins
District Attorney, Aroostook County