

Patrick Corey
Windham

Senator Deschambault, Representative Warren, and members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Representative Patrick Corey and I serve the people of Windham. I am here to present and speak in Support of LD 573, An Act Concerning Records of the Employment of Law Enforcement Officers and Corrections Officers.

Cumberland County Sheriff, Kevin Joyce has asked me to sponsor this bill, but unfortunately, he is unable to provide testimony today due to a previous commitment. Sheriff Joyce is one of 21 Commissioners appointed to the Commission on Accreditation for Law Enforcement Agencies (CALEA), which is a voluntary accreditation program that is based on national standards. The CALEA Commission meets tri-annually and today he is involved in hearings on the accreditation or reaccreditation of law enforcement agencies, thus his unavailability.

Sheriff Joyce is available to provide testimony if approved prior to the work session on this bill.

The intent of LD 573, An Act Concerning Records of the Employment of Law Enforcement Officers and Corrections Officers is to allow the communication between Law Enforcement Executives who have knowledge of potential criminal activity or activity inconsistent with what is expected of someone within the law enforcement profession by law enforcement officers or corrections officers, without fear of civil litigation because of sharing the information.

Currently, if a Law Enforcement Officer or Corrections Officer employed by one agency is being considered for a position in another agency and during the background investigation or polygraph exam potential criminal activity or inappropriate activity is uncovered on that applicant, the Chief or Sheriff cannot share that information with the candidate's current Law Enforcement Executive without fear of civil litigation, for sharing that information.

For instance, Police Officer A who is currently working for a police department decides to apply for a job at another law enforcement agency. During the hiring process, a background investigation and polygraph investigation will likely be done and if Police Officer A is involved in an activity that is potentially criminal or inconsistent with that expected of law enforcement officers, the hiring Chief cannot reveal the information learned during those investigations to the applicant's current Chief without fear of civil action.

Currently, polygraph examiners are required to notify the Maine Criminal Justice Academy (MCJA) of any information that is criminal in nature, whether the individual has been charged or not, but still that information cannot be shared with the candidate's Chief. It is my understanding that MCJA can only say that the individual "had issues" with the polygraph exam. What does that mean to the employing agency? Does the employing agency have to wait until something bad happens to learn the truth, if there is a "problem lying in wait"?

The bottom line is that Law Enforcement Executives are apprehensive of sharing truthful information about bad employees out of fear of being sued. Instead, some Law Enforcement Executives acknowledge employment with "wink and a nod" in hopes of giving a subliminal message to the hiring Chief that there is an issue with that employee. This is inherently wrong.

This bill will never affect an overwhelming majority of Police Officers in the State of Maine. As the saying goes, "no one dislikes a dirty cop more than good cops". At a time when we are looking for ways to hold bad cops accountable and remove them from the profession, while insuring that only the best remain on the job, this bill is an important step in attaining that goal.

We understand that police and corrections reform is a challenging issue and there are many stakeholders. We are looking forward to reviewing all of the testimony

presented today and working with the committee and interested parties to find ways to improve our public safety and correction systems. Thank you for your consideration and I am optimistic that we can arrive at a successful report.