

TESTIMONY OF Susan D'Alessandro
Millinocket, Maine

**TESTIFYING FOR L.D. 573,
An Act Concerning Records of the Employment of Law Enforcement Officers and
Corrections Officers**

LD 539

**An Act To Require Law Enforcement Agencies To Do a Thorough
Background Check of Applicant Officers and To Require the Release of Records,
Including Sealed Records, to the Requesting Agency**

Before the Joint Standing Committee on Criminal Justice and Public Safety Hearing
on date: March 26, 2021

Sponsor: Representative Corey

Cosponsors: Senator Rosen, Representative Bryant, Representative Costain,
Representative Fay, Representative Pickett, and Representative Warren

Senator Deschambault, Representative Warren, Members of the Committee on Criminal
Justice and Public Safety,

I am Susan D'Alessandro from Millinocket and I'm writing in support of both of these bills. There has been a recent series done in the Maine Focus section of the Bangor Daily News by several investigative reporters clearly showing there is a serious problem of lack of oversight of law enforcement statewide and agency wide. As with other issues plaguing our State, prevention seems like a more efficient way to start. However, the veil of secrecy has somehow taken over our State and prevents potential employers from knowing the history of a person who is trusted with protecting people's lives. Sadly, the genie is out of the bottle and in my opinion, these bills are a start to correcting that serious problem.

The most recent article regarding this subject is in today's edition, March 27th, 2021 of the Bangor Daily News...and it is a well written description of a sad example of how this has not only affected our entire state but this very issue has hit home hard for Millinocket. Even though the danger of hiring the wrong person for such important work has so much to do with protecting human life and the citizens, it always comes down to money doesn't it. There is human cost and also financial cost. Quoting one piece of the article:

“20 months as chief saw the town agree to \$240,000 in settlements with two officers who complained of harassment and bullying by; tens of

thousands of dollars in additional legal fees; a citizen petition drive calling for the termination of the Chief, the Town Manager and town attorney; and, in December, the dissolution of the Millinocket Police Department. “

I am so relieved to see this proposed bill, my only thoughts to improve on it would be that it not be restricted to a time limit. When police run a persons record to dispatch, they go back at least 11 years....why should this be limited to 90 days when all a person has to do is wait 95 days and bounce from town to town when their true reputation catches up to them as was the case in Millinocket because so much of his sad record was hidden. Who does that protect besides the guilty and who does it endanger besides the towns and the citizens?

L.D. 573 would require applicants for law enforcement or correctional positions who work or within 90 days have worked for a law enforcement or correctional agency to sign a request form and waiver authorizing their current or prior employer to release all performance-related employment records to the hiring agency. The bill would require the current or prior employer to promptly provide all employment related records to the hiring agency and would provide immunity to the current or prior employers for providing the information and to the hiring agency for receiving the information. In addition, L.D. 573 would require that whenever a polygraph conducted on a law enforcement or corrections officer provides probable cause to believe that the officer is or has been involved in criminal activity, the law enforcement or correctional agency conducting the polygraph must release the results of the examination to the law enforcement or 2 correctional agency that currently employs the officer. I have a few suggestions and comments about the bill. F It is not clear whether the “employment records” would include pre-employment information, such as applications, letters of reference, working papers, examinations, as well as polygraphs, criminal background checks, and psychological evaluations. Pursuant to 5 M.R.S. § 7070(1), this information pertaining to State employees is confidential, even to the applicant.irst, the bill provides for an applicant to sign a waiver of the applicant’s confidentiality rights. Because the employee is not entitled to this information, the employee does not have the authority to waive its release. If the bill is intended to include these confidential records identified in 5 M.R.S. § 7070(1), then “notwithstanding” language would need to be added to

specifically allow the release of those records by the previous agency to the hiring agency. In addition, we would also suggest that the bill be clarified to ensure that the employee will not be provided access to this confidential information. Second, the bill provides that the law enforcement or correctional agency providing the records subject to the waiver is immune from liability for doing so, and the hiring agency for receiving the information, but there is no similar immunity for the hiring agency when it uses the information to make hiring decisions. Third, it should be duly noted that this bill would add another step to the hiring process for the State's law enforcement and correctional agencies, requiring additional time for human resources staff, which would extend the time it takes to hire essential law enforcement and correctional officers. Thank you for allowing me to testify today to provide you with information about L.D. 573.