



# MAINE CHIEFS OF POLICE ASSOCIATION

P.O. Box 2431 • South Portland, Maine 04116-2431

Chief Edward J. Tolan (ret.), Executive Director, Tel: (207) 838-6583  
email: [mcopa@maine.rr.com](mailto:mcopa@maine.rr.com) Web site: [www.mainechiefs.com](http://www.mainechiefs.com)

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## Statement in Support of L.D. 505, An Act To Expand the Disciplinary Authority of the Board of Trustees of the Maine Criminal Justice Academy

April 16, 2021

The Board of Trustees of the Maine Criminal Justice Academy currently has authority to discipline certified law enforcement officers pursuant to 25 MRS §2806-A - Disciplinary Sanctions. However, that authority is limited generally to criminal conduct and certain violations of the administrative conditions necessary to maintain certification.

There are many others actions that could raise questions about the suitability of an individual to maintain their certification and to remain in the law enforcement profession, over which the Board has no authority. Among these are actions that bring into question a law enforcement officer's credibility as a witness in a criminal action.

This issue has been the subject of cases before the U.S. Supreme Court<sup>1</sup> which has ruled that all law enforcement organizations must:

1. Provide to the Prosecution any exculpatory material that would have a reasonable possibility of altering the results in a trial, or could reasonably mitigate the sentencing of a defendant; and,
2. Any material relevant to the credibility of government witnesses, including, but not limited to, police officers.

MCOPA is aware of at least one situation in which a law enforcement agency hired an individual who had left a previous law enforcement agency after having been determined by the local prosecutor to have given knowingly inaccurate information in the course of a criminal case. However, the officer was never disciplined and the hiring agency was unaware of this situation until after the officer had been on the job for some period of time.

If the officer's actions or statements had not been made while under oath, the officer may not have committed a criminal offense and the action would, therefore, not have been subject to discipline by the Academy trustees. This is but one example of the kinds of behavior over which the trustees should be given jurisdiction.

We ask that you give L.D. 505 an Ought to Pass Report.

<sup>1</sup>*Brady v. Maryland* [373 U.S. 83 (1963)], and subsequent rulings [*Giglio*, *Jencks*, et al]