



Maine Chiefs of Police Association
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Statement in opposition to

**L.D. 152, An Act to Amend the Freedom of Access Act to Require a Specific Time Frame
for Agencies to Comply with Requests for Public Records**

Joint Standing Committee on Judiciary

February 5, 2025

Senator Carney, Representative Kuhn, and honorable members of the Judiciary Committee. My name is Jason Moen. I am the Chief of the Auburn Police Department and serve as President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association in opposition to LD 152.

The Mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

As proposed, this legislation would change the current time frame to comply with a Freedom of Access request for public records to within 30 days of the time of the request. Under current law, agencies or officials must comply with a request within a reasonable time.

Maine's Freedom of Access Act ("FOAA") provides the right balance of granting our citizens the right to access to public records while keeping certain governmental information and the privacy rights of individuals confidential. This process ensures the actions of public bodies remains transparent and helps provide an important level of trust with our constituencies.

Each of Maine's municipal law enforcement agencies receive hundreds of FOAA requests annually including many of our smaller community agencies. We respond to those requests as

quickly as possible so that the public receives the requested information in a timely manner and to help prevent a backlog of cases within our units.

There is a standard process we follow to address FOAA requests. Within five working days, we acknowledge the request, provide an estimate for fulfillment, and fulfill the request during that period if possible or contact the requestor to explain why more time is needed.

The time frame to fulfill a request varies greatly depending on the type of information being sought. For example, a simple identity theft report may only take a few days. Requests requiring the review and redaction of audio and video, transcription of 9-1-1 calls, and consultation with legal counsel much longer. Finally, complex requests will take much longer. In some instances, FOAA requests may take six months or longer to complete; FOAA requests related to the tragic Lewiston shooting is one such example.

Additionally, one of the greatest barriers to fulfilling FOAA requests is the lack of an adequate internal workforce. In our state's larger departments, there may be a dedicated employee to handle FOAA requests. However, for most of our departments that is not the case. It takes a team within the department to work on these requests while also handling their normal duties and emergency events. It is important to remember that the normal operation of a policing agency, including many events which we have no control, does not stop because there is a FOAA request.

Luckily, Mainers are afforded an avenue for relief if they believe a FOAA request has not been fulfilled properly. Maine's Public Access Ombudsman, a position within the Office of the Attorney General, exists for this reason and is an active force in Maine's public sector when the Freedom of Access Act is not followed.

Although we strive to fulfill FOAA requests as quickly as possible, mandating a specific time limit for all FOAA requests to be completed within 30 days from the time of the initial request is not feasible. For that reason, the Maine Chiefs of Police Association respectfully requests that the Committee vote Ought Not to Pass on LD 152.