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STATE OF MAINE
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MAINE STATE POLICE

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Testimony of Major Scott A. Gosselin
Maine State Police

OPPOSED LD 1780

An Act to Secure Under Authority of a Subpoena Pretrial Statements from a Witness Other than the
Defendant in a Criminal Proceeding
Sponsored by Representative Sinclair of Bath
Joint Standing Committee on Judiciary

Senator Carney, Representative Kuhn and other distinguished members of the joint standing committee on Judiciary, my name is Major Scott Gosselin and I am here representing the Maine State Police and the Maine Department of Public Safety to testify in OPPOSITION to LD 1780.

This bill creates a mechanism, ordered in statute, that gives defense attorneys, on behalf of the accused, the authority to compel witnesses and victims to give a statement or to produce documents related to the criminal conduct of their client.

Upon initially reading this bill, it gave me the first impression of being punitive in nature to witnesses but particularly to the victims of crimes. By compelling their statement to the advocate of the person who victimized them, without any codified protections afforded to them during an administrative hearing or by their own attorney/advocate to safeguard their individual rights and interests, is unfitting a state which prides itself on being compassionate to victims of crime. There is no doubt that both witnesses and victims will perceive this new authority as a clear advantage for the accused and a new avenue for continued harassment and victimization that will clearly make victims less likely to report crimes, witnesses less likely to cooperate with police and will ultimately have a negative impact on public safety across the state of Maine.

This bill eliminates the current right and freedom of a witness or victim to choose whether to speak with the defense or their private investigators of their own volition. As a penalty for choosing not to speak or produce a statement or documents, their testimony would be barred at trial which clearly inhibits and infringes on individual rights.

By compelling witnesses and victims of crime to make duplicative statements directly to defense advocates, this bill gives the appearance that its sponsors and supporters mistrust the law enforcement officers who take those initial statements, conduct the interviews and document those individual details and circumstances. Making victims re-live their victimization, with the defense and again at trial is entirely unnecessary and lacks compassion.

INTEGRITY

FAIRNESS

COMPASSION

EXCELLENCE



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Under Maine law, the defense has a right to all of the evidence produced by law enforcement as it relates to the prosecution of their client, but this bill would create a compulsion for a private person to give evidence to the defense in the form of statements or documents, without any reciprocal courtesy of providing that evidence to the prosecution.

This bill is unfair, infringes on individuals' rights and lacks compassion for victims. It is for these reasons that we, at the Maine State Police and the Department of Public Safety, OPPOSE LD 1780 and we urge you to do the same.