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Senator Baldacci, Representative Matlack, members of the Joint Standing Committee on State and Local Government, my name is Michael Isreal Mosley and I am submitting testimony neither in support nor against this legislation but to ask for an important amendment as you go forward.

As written this bill's goal will not be achieved by any reasonable measure. As a Black man in America I have seen, time and time again, our Judicial system fail to hold officers accountable from District Attorney's who refuse to prosecute to prosecutors who act as Defense Counsel for the people they are supposed to be trying in a court of law. I cannot believe that this bill as written will meaningfully create accountability for Sheriffs when the very real possibility that any complaint against them will be dismissed out of hand by a sympathetic judge.

I understand that many of you do or have worked in the Judicial System and that you will take offense to such statements. I am sorry if your colleagues lack of integrity has caused you offense by their inability to see justice served but it cannot be denied that such sentiments and distrust exist for a very real and legitimate reason.

I understand that the ACLU has offered testimony in support of this legislation. I understand that so to has the County Commissioner's Association. And of course so to have the Sheriff's themselves despite prior opposition to this bill.

Unfortunately, the support of people for whom oversight is being demanded is a biased opinion on its face especially in light of prior opposition only overcome by amending the proposed legislation to their level of comfort.

As for the ACLU, they state in their own testimony "While some of the details of this court process may need to be ironed out, it is a good first step to ensure accountability and due process for public officials who wield enormous power." That means that they themselves feel that the procedures outlined in this legislation are inadequate and in need of improvement.

The Maine Judicial Branch itself echoes this statement in its opposition to this legislation in much starker terms: "The bill purports to change the Constitution by removing the authority of the Governor to receive complaints and granting that authority to the Superior Court. The bill, however, does not allow or require the Superior Court to make a finding on the merits of the matter, but instead the court is supposed to forward the case back to the Governor. As drafted, it is unclear what role the Superior Court would have in this type of proceeding, and the need for the court to be involved is not clear, given the ability of the executive branch to conduct administrative hearings and the unambiguous constitutional language."

And the Maine Association of County Commissioners makes clear even in their supportive testimony that the real problem with the current statute as written is the need for clarification on the process of County Commissioners to file a grievance or complaint with the Governor.

"In addition to the constitutional role of the Governor, Maine statute accords county commissioners the ability to file a complaint with the Governor regarding the performance of the county sheriff. This complaint sets in motion the Governor's authority to conduct a hearing that could result in the Governor deciding to remove the sheriff from office. However, Maine law provides no guidance regarding the manner in which such a complaint is delivered to the Governor nor whether such complaint should be accompanied by evidence." To which the answer of the latter point is that the Executive Branch has the capacity to investigate and order hearings under its own authority.

The implications of this expert testimony, even the testimony offered in support, is clear. This is an unnecessary imposition of the courts into the matter of removing a Sheriff when all that is needed is a clarification of procedure and that as written this bill leaves the process ambiguous and uncertain. Justice does not thrive on uncertainty

nor can it prevail in an environment created by ambiguous wording of the law.

That is why I ask that you amend this bill to remove a Judicial hearing entirely. And so failing to remove it entirely, to only apply it in such instances where criminal activity is suspect or likely to have been committed.

Further, it is not the jurisdiction of the courts to determine job performance for the Executive Branch. Nor is the court an arbiter of professional conduct outside of its own officers unless the matter at hand is a violation of civil or legal statute i.e. the violation of Civil Rights such as workplace or housing discrimination or sexual harassment. And for the most part those cases are between two individuals or entities in a civil case.

And even in such cases where unethical conduct is suspect by an officer or official of the court such investigations and decisions on professional conduct are handled entirely by a third party, the Bar Association.

In short this legislation should be voted Ought to Pass with the stated amendment.