



STATE OF MAINE
Department of Public Safety
Maine State Police
42 State House Station
Augusta, Maine
04333-0020

JANET T MILLS
GOVERNOR
MICHAEL SAUSCHUCK
COMMISSIONER

COL. JOHN E COTE
CHIEF
LTC. WILLIAM S HARWOOD
DEPUTY CHIEF

Testimony of Major Brian Scott
130th First Regular Session 4-23-2021

IN OPPOSITION TO LD 1228 An Act To Promote Transparency and Public Safety
When Public Servants Request Towing Services.

Senator Baldacci, Representative Matlack and members of the Joint Standing Committee on State and Local Government, my name is Major Brian Scott and I am here today to testify on behalf of the Maine State Police and the Department of Public Safety in opposition to LD 1228, An Act To Promote Transparency and Public Safety When Public Servants Request Towing Services.

Although by reading the bill its intent is not clear, I have had the opportunity to meet with the bill's sponsor, Rep. Bryant, and other stake holders regarding its meaning. In summary some of the towing industry feels that all law enforcement in Maine should be required to have a list of all available towing companies at their disposal and must use all towers on a rotating basis when a vehicle is ordered towed by police if the owner or operator does not decide which company to use. As we discussed this topic it became apparent to those at the meeting, that this might be a little too aggressive of an approach to try and tackle all at once, but representatives of the Towing and Recovery Association of Maine, felt that a towing log detailing certain information would be a good place to start. Basically, every law enforcement agency would maintain a 'wrecker log' for every vehicle that was non consensually towed by law enforcement. Then law enforcement could produce this log upon request for public inspection. Rep. Bryant has since amended his bill to reflect the same, however limited this requirement to the Maine State Police and the County Sheriff's, not local law enforcement.

While the State Police embraces transparency in law enforcement operations when possible, we find ourselves in a situation where we are not able to provide this type of log within our current records management system. Currently, when we need

to have a vehicle towed, we always check with the owner or operator, if they are quickly reachable, to see if they have a preference on a towing company. If that tower is available in a reasonable amount of time, then that company is called. If the owner or operator of that vehicle is not available, then we often request the closest available wrecker, or the trooper makes a request for a tower in the area that they are familiar with, that is able to handle the type of vehicle involved. 1 of the 3 Regional Communication Centers (RCC's), operated by the Bureau of Consolidated Emergency Communications (BCEC), usually makes this call on our behalf and updates their Computer Aided Dispatch (CAD) logs. The towing information is logged in the Call For Service (CFS) by the RCC.

Although, the wrecker call information is logged into the CAD system (Spillman), we do not currently have any way to easily 'mine' that data by running a report. The information is documented in a CFS along with thousands of other calls. We receive an average of over 60,000 CFS annually, but some years we have had over 90,000 CFS. I discussed this issue with the Director of the BCEC and two of his supervisors to inquire if they could offer a solution so that we could search the data to create a 'wrecker log.' I was told it was not possible with the current system, but maybe with some type of system enhancement they could get all the towing information in one report or maybe a standalone solution, but that option would present many concerns from their perspective. To the Director's knowledge there is not any module(s) in Spillman that we (Public Safety) could purchase to meet these needs. If we *were able* to get any modifications to our current system, there would certainly be a cost charged by our vendor for this change. In my experience, even small changes can cost well over \$75,000 and can take months to complete.

While we understand the concerns raised by the towing industry regarding 'fairness' in selecting towing companies for nonconsensual tows, we have not heard of any concerns that have a direct correlation or impact on the safety of the motoring public. The records we currently maintain have all the information that we need as an agency in order to properly document any time we have a vehicle towed. We can go into our system and pull records for any Call For Service (CFS) so that we are able to provide information to individuals involved in the incident regarding who towed their vehicle and to where. We just don't have the ability to generate a towing log containing all the information related to non-consensual tows. In considering the Freedom of Access Act, the government is required to produce public records that we currently maintain, however it does not require us to create new records to satisfy an information request.

For these reasons, I urge the Committee to vote Ought Not to Pass on this bill.

On behalf of the Department of Public Safety and the Maine State Police, I thank you for your time and would be happy to try and answer any questions that you might have.