

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document


No. 145

H.P. 121

House of Representatives, January 14, 1997

An Act to Allow Independent Investigation of a Complaint against a Law Enforcement or Corrections Officer upon Request.

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Representatives: SAMSON of Jay, WHEELER of Bridgewater.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 25 MRSA §2805-C, sub-§1, as enacted by PL 1993, c. 744, §11, is amended to read:

1. Committee. The chair of the board shall appoint 3 members of the board to serve on the complaint review committee. One of the members must be one of the citizen members of the board. All members of the committee must be present for deliberations. A majority vote is necessary to recommend taking corrective or disciplinary action on a complaint or to order an independent investigation pursuant to section 2806, subsection 1-A.

Sec. 2. 25 MRSA §2806, sub-§1-A, as amended by PL 1993, c. 744, §13, is further amended to read:

1-A. Investigation and notice of complaints. Before proceeding with a hearing to suspend or revoke a law enforcement or corrections officer's certification under subsection 1, paragraph B, subparagraph (2), (4) or (6), the board shall notify the chief administrative officer of the agency employing the officer that the board is contemplating suspension or revocation of the officer's certification. The chief administrative officer shall investigate the alleged conduct and report its findings to the board within 30 days of receiving notice of the board's contemplation of suspension or revocation. The board shall proceed with any suspension or revocation action it determines appropriate after receiving the chief administrative officer's report. This subsection does not preclude a chief administrative officer from investigating conduct that may give rise to grounds for suspension or revocation before receiving a request for an investigation from the board, provided that the chief administrative officer notifies the board following that investigation if the investigation reveals reasonable cause to believe that an officer has engaged in conduct described in subsection 1, paragraph B, subparagraph (2), (4) or (6). Nothing in this subsection precludes the board from investigating conduct of a law enforcement officer on its own or referring a matter of such conduct to another agency for investigation. Whenever a chief administrative officer of an agency employing an officer has a duty to investigate alleged conduct of an officer or has the authority to investigate alleged conduct of an officer pursuant to this subsection, and the chief administrative officer decides to investigate, the chief administrative officer or the officer who is the subject of the investigation may petition the complaint review committee of the board for an independent investigation by the Department of the Attorney General or another agency.

SUMMARY

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This bill authorizes a law enforcement or corrections officer or the chief administrative officer of the agency employing the officer to petition the complaint review board of the Board of Trustees of the Maine Criminal Justice Academy for an independent investigation of alleged conduct of an officer in cases in which the investigation ordinarily would be performed by the chief administrative officer.