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TESTIMONY OF AARON M. FREY
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Neither For Nor Against LD 1273
“An Act To Establish Conviction Integrity Units in Maine”
April 20, 2021

Senator Carney, Representative Harnett and members of the Judiciary Committee, I am Aaron M. Frey, I live in Bangor, and I am honored to serve as Maine’s Attorney General. I join you, today, to share my thoughts on LD 1273, *An Act To Establish Conviction Integrity Units in Maine*.

I want to start by expressing my support for the goal of establishing a conviction integrity unit in Maine. The considerations I offer in my testimony are intended to get at what I think would work more appropriately in our state.

First, rather than every prosecutorial authority having its own conviction integrity unit, I believe it would be better to establish a single state-wide unit. Having one unit that is properly staffed with attorneys, investigators, and support staff may be a more effective and efficient use of resources than having nine (9) separate units across the state.

Second, if there is one conviction integrity unit, it could be housed in the Office of the Attorney General (“OAG”). Work should be done to ensure there is an appropriate separation of the work of prosecutors in the Criminal Division and the work performed by the conviction integrity unit. It would not be difficult to ensure separation of District Attorneys and a conviction integrity unit in the OAG.

Third, a conviction integrity unit should be a part of a comprehensive system working to ensure justice is being dispensed in a manner that provides confidence in the integrity of the outcomes. Prosecutors, defense attorneys, judges, and defendants all have their responsibility to ensure the integrity of the criminal judicial system. Additionally, a conviction integrity unit does not replace the role of trials, appeals, and post-conviction reviews. It is not clear how LD 1273 is intended to complement the system that is already in place. If the Committee moves forward with this proposal, work should be done to frame the particular gap the conviction integrity unit is intended to fill.

A study with an explicit report-back date could enable the Legislature to move forward with a well-researched model that would ensure effectiveness. At the bottom of my testimony I have linked to three studies on conviction integrity units which I have found in my research.

Thank you for your time and consideration. I am happy to answer questions and to participate in the work session.

Conviction Integrity Unit Studies

Penn Law:

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2615&context=faculty_scholarship

Boulder County, Colorado:

<https://assets.bouldercounty.org/wp-content/uploads/2020/01/CIU-Policy-Memorandum.pdf>

Innocence Project:

<https://www.innocenceproject.org/wp-content/uploads/2016/09/Conviction-Integrity-Unit.pdf>