



Office of
TOWN ADMINISTRATOR

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Gary L. Brougham
Town Administrator

July 17, 2020

House Ways and Means Judiciary Committee

RE: Reforming Police Standards/Qualified Immunity in S.2800

Dear Committee Members,

I am writing today on behalf of the men and women of the Belchertown Police Department, the broader Belchertown Employee Group, myself, and a number of other appointed or elected public officials in regard to the proposed changes in the Qualified Immunity Statute recently recommended for amendment by the Massachusetts Senate.

Although the senate's recent vote proposed a number of police reform initiatives it is the qualified immunity component that is of most concern. It is fair to assume we all agree on accountability, transparency and equity in our professional careers. The qualified immunity provision was voted into law for the right reasons. To abolish the protection for anything less than good cause would be a serious failure of our legislative body at this point.

As voted by the Massachusetts Senate there many unanswered questions or potential unattended consequences shall the vote taken by the senate be upheld in the House of Representatives.

1. Some of those potential consequences may be a flood of civil rights actions entering the Massachusetts courts. Previously all civil rights cases were heard in federal jurisdiction.
2. The financial impact on municipalities defending what may be recognized as frivolous claims could potentially become a budget buster for many municipalities.
3. The State Courts have yet to establish the hearing standards and a method to hear these cases efficiently.
4. The proposed changes to qualified immunity likely intending to impact police officers has been more recently determined to effect all public officials. This determination increases the broad stroke of the brush to include police, EMS personnel, town managers, selectmen, fire chiefs, municipal commission members and lower level employees of the Commonwealth. The additional costs in addressing these complaints in that many jurisdictions once again would be near impossible for many Massachusetts communities who are already struggling to balance operating budgets.

As stated in a recent legal opinion the Supreme Court has stated in support of qualified immunity (by defining the limits of qualified immunity essentially in objective terms **we provide no license to lawless conduct**).

Personally, I am disappointed our elected senators failed to recognize the unattended consequences of rushing passage of this bill at 4:00 a.m. in the morning. As one local official recently stated anything voted in the Statehouse at 4:00 a.m. in the morning is worthy of a second look.

On behalf of our police officer's, our town employees, our elected officials I urge the Massachusetts House Judiciary Committee to do the right thing when discussing this initiative. Open the door for public comment, listen to our law enforcement professionals, our labor unions and concerned municipal representatives who have valuable thoughts on how we may all work together to arrive at an acceptable destination.

I would be most happy to provide any additional information that might be of benefit in this discussion and will again ask in the strongest possible terms to please accept public comment from those professional agencies who will be most impacted by the unattended consequences shall this initiative be rushed through as it was in the Massachusetts Senate.

Thank you for your time.

A handwritten signature in black ink, appearing to read 'Gary Brougham', with a long horizontal line extending to the right.

Gary Brougham
Town Administrator

GLB/al

Cc: Representative Thomas Petrolati
Representative Susannah Whipps
Christopher Pronovost, Belchertown
Chief of Police