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MICHAEL R. KENT
CHIEF OF POLICE

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Via e-mail to Testimony.HWMJudiciary@mahouse.gov

Re: Concerns of Senate 2820 as Amended

Dear Chair Aaron Michlewitz and Chair Claire Cronin, please accept the following testimony with regard to SB2820 - An Act to reform police standards and shift resources to build a more equitable, fair and just Commonwealth that values Black lives and communities of color.

I am very appreciative that you are soliciting feedback on Senate Bill 2820. It was disappointing to see the Senate rush this bill and ultimately pass it under the cloak of darkness.

I am sure the input on this bill will be high so I will be brief as the flaws in this bill could fill pages.

Obviously, Qualified Immunity if passed as constituted in S2820 is a game changer. It will have older officers retiring and younger officers questioning their career choice. I know if I was still working the street any action that I took would certainly be a risk of being entangled in a frivolous legal action that could tie up my assets for an extended period of time. I believe officers will become reactive as opposed to proactive and only take action when it is legally required. I will leave it to the legal scholars to further the discussion on Qualified Immunity and the pitfalls of altering it.

I find the section on imminent harm (page 60) laughable. As written in the bill "*shall not include fear of future serious physical injury or death*". This paralyzes the "fleeing felon" principle that has governed our decisions for years. An example of this would be the police arrive at a scene where the shooter is still present holding his gun. The officers order him to drop the weapon but the shooter starts walking away towards a populated area. Under fleeing felon, the officer can use deadly force; under S2820 the officer cannot use deadly force to stop the shooter.


Page 59 addresses "choke holds." Having been in law enforcement for over 39 years as far as I know chokeholds have never been allowed. I have never been trained in chokeholds and have never witnessed one being used. I have no issue with chokeholds being part of this bill BUT we do need a provision that, should the officer's life be in jeopardy or serious bodily injury, he can avail himself to any means necessary to save his own life.

The three examples that I have given would have been easily clarified if the Senate had simply held hearings.

The recent tragedy at the Holyoke Soldiers Home that claimed the lives of 76 heroes was well publicized. In response, Governor Baker filed S2788 to address needed changes at the Soldiers Home. This bill was filed with 5 weeks left in the legislative session. Rather than rush this bill

through Veterans & Federal Affairs Committee co-chair Rep. Linda Campbell said, “our goal is to take our time and get this right.”

I do not deny Police Reform is needed but in the words of Rep. Campbell our goal should be to take our time and get it right!

Sincerely,

Michael R. Kent
Chief of Police