

July 17, 2020

Massachusetts House of Representatives

Massachusetts Statehouse

24 Beacon Street

United States House of Representatives/United State Senate

Boston, MA 02108

Dear Sir or Madam:

As a registered voter in the Commonwealth of Massachusetts, an ordinary citizen, Massachusetts business owner, mother and wife of a suburban municipal police officer, I write to ask you to consider the following with regard to the proposed bill S.2820. the Policing Reform Package. Please consider the following:

First, while it is clear that reform needs to take place in policing regulations and guidelines both nationally and on a state level this is an issue that should be handled with level-headed, research oriented, regard. The bill as it stands has been rushed and treated as emergency legislation. In the state of Massachusetts we already have some of the strictest controls in place to protect the civil rights of our citizens in our nation, so the need for an emergency law should be weighed against the damage of rushing a law against the need for our laws in the Commonwealth to be well thought through. As citizens we count on our legislators to act with regard for the well being of all citizens of the state, and it is your job as our representatives to employ a level-headed approach in considering legislation. By acting in haste, this bill will likely have unintended consequences, that will have far reaching impact for all citizens of all race, ethnicities and creeds. I respectfully would ask the questions: what experts in law enforcement assisted in the drafting of this bill, what effects with regard to the rights of the employees of the State and local municipalities were considered, as all police officers are also citizens with rights in our Commonwealth, and what steps were taken to ensure that the safety of all citizens will be protected by a police force that has the ability to conduct their job?

Of particular concern: the composition of the police officer standard and accreditation committee does not balance parties with experience in law enforcement with parties who are civil rights experts, which is necessary for fair treatment of officers, and necessary to ensure a balanced approach to training and standards required of officers. There is a great deal of oversight and power given to this committee through this bill. And very little consideration as to the composition of the committee seems to be given. With a committee that is more heavily weighted with civil rights advocates, and less weighted with experts in police work, and public safety it will be difficult for the committee to take a through view of training, and of similar importance how will the committee fairly assess complaints and actions taken against officers, when brought to the committee for review? Fairness requires balance, and the composition of the committee does not take balance into consideration.

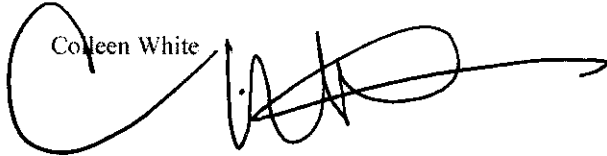
Also, of particular concern in the legislation is the issue of qualified immunity. The doctrine of qualified immunity protects law enforcement officers, government employees, and in fact all civil servants from frivolous lawsuits. That is the intended purpose of the doctrine. Of course, as with much of our legal system there are unintended consequences of the doctrine, and the application of the doctrine has been used to protect egregious violations of law in the areas of civil rights and excessive force. That said this bill does not strictly define the limitations of the use of qualified immunity, which should be the intent of the bill, but rather it vaguely does away with qualified immunity for any law enforcement officer. The unintended consequences of this are far reaching for police families. Municipal police officer salaries for example will not support the cost of expensive insurance policies if this doctrine no longer applies. And police officers, would need to protect themselves with malpractice type policies in order to be able to do their jobs, if they have no civil protection afforded to them by law. With more time and consideration this bill should consider refining and limiting the application of the doctrine of qualified immunity rather than doing away with it all together. The unintended consequence of doing away with it all together will likely be: good officers leaving the force as they do not wish to take on the liability of frivolous lawsuits, officers not doing their job to the full capacity required out of fear of lawsuits, a court system bogged down further by frivolous law suits, bankrupt families of law enforcement officers sued for frivolous complaints.

Finally, there are a number of other issues in this bill that will have unintended consequences that will impact the safety of officers, while on the job. The limitations regarding use of force, do not afford protections for officers who are sometimes faced with split second choices that are required to prevent imminent harm to themselves or other citizens. The vagueness of the limitations on use of force, will cause officers to second guess their actions in moments where their lives and the lives of those around them depend on their instincts and quick action.

At a time with the climate nationally and locally is heavily anti- police, this bill does not give enough attention, thought or research to a measured set of reforms. This is an excellent time to pass police reform that is measured, fair, and equitable to all parties. This bill is reactionary and will not result in real change for protecting the civil rights of the citizens of the Commonwealth of Massachusetts. It seems to be primarily focused on limiting the rights of police officers, who are all citizens, and civil servants. In fact, much of the bill seems to be focused not just on limiting their rights but also on punishing police officers for actions they take while performing their job. It will not encourage them to perform better, it will simply at a minimum discourage them from being thorough in their work out of fear of retaliation, complaints, lawsuits etc. and at worst this bill will impact their safety and the safety of other citizens. The passing of this bill as it stands will cause police families like ours to heavily consider leaving the police force. This will be due to the lack of protection, and lack of support on the federal, state and even the town level for our police. It will also be due to the extensive liability it will now place on our family financially. Most importantly we will consider leaving the force due to the apparent disinterest at the federal and state level in supporting the lives and safety of police officers. Please take the time to put together reform that is thoughtful and measured, not reactionary as otherwise the unintended consequence will be too far reaching.

Thank you for your consideration, and please feel free to contact me if you would like to discuss this issue further.

Sincerely,

Colleen White 

Clear to Close, Inc.

138 Chestnut Street

Douglas, MA 01516

(508)476-2055