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July 16, 2020

Representative Aaron Michlewitz
Chair, House Committee on Ways and Means
State House, Room 243
Boston, MA 02133

Representative Claire Cronin
Chair, Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

Dear Chairman Michlewitz and Chairwoman Cronin,

We would like to take this opportunity to thank you for your public service and allowing us to submit written testimony on behalf of the Massachusetts Fraternal Order of Police relative to Senate Bill 2820.

The Fraternal Order of Police (F.O.P.) is the largest police organization in the country representing over 350,000 law enforcement professionals. The Massachusetts Fraternal Order of Police is a State Chapter under the National FOP Organization and we currently represent over 3200 law enforcement professionals including Police Officers, Police Chiefs, Sheriff Departments, Department of Corrections, Federal Bureau of Prisons, College and University Police Department and the dedicated Criminalists of the Boston Police Crime Lab. The F.O.P. (including the Mass FOP) was the first national police organization in the country to condemn the horrific killing of George Floyd. The F.O.P. has been at the forefront for years advocating for standardized police training nationally, de-escalation training, community policing and officer wellness. We believe that there are broad areas of agreement and that it is possible to build consensus on data collection, agency accreditation, expanded use of body-cameras and improved training. We believe there is a need to work for more consistent adoption of nationally accepted use of force models. The Massachusetts FOP supports this change, we believe that policing in Massachusetts is the best in the country and we support more training and education for our members. Unfortunately, the Bill proposed by the Senate last week had more to do with vengeance than reform. Instead of coming to a consensus and collectively making meaningful changes to avoid racial injustices in the Commonwealth, the Senate chose to attack the core of public sector unions' rights including Due Process, Collective Bargaining Rights and Qualified Immunity.

The Massachusetts FOP is actively involved in efforts to educate the legislators on some of the detrimental impacts of SB 2800/SB 2820. The Mass FOP has been working in conjunction of other law enforcement groups (Massachusetts Law Enforcement Policy Group) in an effort to have a unified voice to address our concerns.

The Senate Bill version as presently drafted will seriously undermine public Safety in the Commonwealth. The anti-police rhetoric has created a false narrative that the only way to stop police

misconduct is taking away Qualified Immunity. They believe that by suing cops they will change police misconduct and hold officers accountable. The reality is that the small amount of illegal conduct of officers around the country is hardly seen in Massachusetts. This is due to our professionalized training, community policing models and diversity in our ranks. If passed, SB 2820, will have unintended and unnecessary changes to qualified immunity for all public employees. Police officers will be hamstrung in the performance of their duties. The fact is that we will now be subjected to numerous frivolous nuisance suits for any action hidden in this expansive bill. Frankly, the provisions in this bill will hurt good police officers and reward criminals by protecting drug dealers, human traffickers, gang activity in minority neighborhood schools. If enacted, this bill will harm the very people that it's attempting to protect from police misconduct.

We are extremely concerned that the process employed by the senate of using an omnibus bill with numerous, diverse and complicated policy issues coupled with limited public and professional participation was at its very core undemocratic, flawed and lacked transparency. The bill is 70 pages long, with hundreds of changes to public safety sections of the General Laws and sound public policy sections, it was sent to the floor with no hearing and only a few days to digest and caucus before voting. The biggest sham was the lack of public comments in the rushed process.

The Massachusetts FOP supports uniformed standardized training statewide and policies as well as appropriate regulatory board which is fair and unbiased. The Senate created a board that is dominated by anti-police groups who have a long-detailed record of biases against law enforcement and preconceived punitive motives toward police. The board as proposed in the Senate Bill is unlike any other of the 160 professional regulatory boards in the Commonwealth. The board as proposed in the Senate Bill would be fundamentally incapable of providing regulatory due process. Furthermore, the proposed members are completely devoid of sufficient experience in law enforcement to create training policies and standards unlike members of the other 160 professional boards.

Changes to qualified immunity would be unnecessary if the legislature adopted a uniform statewide standard and bans unlawful use of force techniques which all police personnel unequivocally support. Once we have uniformed standards and policies and the statutory banning of use of force techniques both officers and the individual citizens will know what is reasonable and have a clear picture of what conduct is a violation of a citizen's rights, thus these actions would be deemed illegal under qualified immunity and subject to civil rights suit. This will limit the potential explosion of civil suits against other public employee groups. If the senate bill is passed in its current form the costs to municipalities and the State will skyrocket from frivolous lawsuits and potentially having a devastating impact on budgets statewide.

On behalf of the dedicated men and women of the Massachusetts Fraternal Order of Police we would like to thank you for your time and consideration.

Sincerely,

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