



City of Salem, Massachusetts
Police Department Headquarters
95 Margin Street, Salem, Massachusetts 01970

Mary E. Butler
Chief of Police

July 17, 2020

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.

For thirty-three years, I have dedicated myself to policing in the great City of Salem, MA. I do this because I care about what happens in our community and since I was twelve years old my sole mission has been to make sure people were safe, had assistance when they needed it and stood up and became the voice for those who felt they had none.

I am not ignorant of the pressure to “do something” at this particular time in our nation and within this State, but three weeks of cobbling together legislation without thoughtful consideration and due process is not going to wipe away the last 60 years of inequity since the civil rights movement; it’s much bigger than that. I applaud the efforts of everyone who has stepped up to listen at this point, and I applaud the unwavering commitment to make changes that will make our communities and all those persons within them who feel unheard or marginalized to have a voice in their government and in the policies of government organizations. It is undoubtedly time, as voice have been raised, followed by quiet and inaction. However, thoughtful action that will have the desired impact of ensuring racial equity is not a mission that can be undertaken without discussion and without understanding “how” this will actually create that equity.

I understand that policing is at the forefront in light of the murder of George Floyd by a man who had no business being a police officer and with three others whose inhumanity could not see or stop the travesty right in front of their eyes. They will deserve the punishment due them as they have selfishly tarnished the reputation of all police officers who dedicate themselves to this profession, who daily go out and

respond to calls for assistance, and who are committed to having and participating in a safe and peaceful community.

You change that dedication and commitment when you don't allow the voice of the very people who are working to keep our communities safe and to respond to all persons, regardless of race, ethnicity, gender, religion or economic status to be heard as well.

In Qualified Immunity, to shift the burden to municipalities is going to create a breakdown and deficiencies in the financial makeup of local government to provide the services in many areas within their community. I know many feel this is an overreaction, yet as legislatures, you are not privy to the day-to-day operations of police and of the persons with whom we interact daily. Even with QI, no act that is willful, wanton or malicious, is covered by this immunity. Force used in excess of the standards and policy is willful, wanton or malicious, so immunity would not cover this. Any bad conduct will sever qualified immunity. Maybe this the added piece that should be clarified. Don't we want our police officers to act in good faith?

The bill also discusses a database that will be available to the public. I would like to address the question of what personal identifiers will be placed on each officer in this database? We all know or have been subjected to data breaches at banks, retail and government and this would be no exception and it is why I pose the question.

The bill includes language to put together a Commission to address training and background investigations, yet there was no indication that anyone who would be filling that Commission and addressing these matters have any training or experience in law enforcement – there should be some. Salem Police have put together, after three years of work with our citizens, a proposal to replace Civil Service and it includes an Advisory Committee. One of the requirements for the civilian board members is to attend our Citizen Police Academy, offered twice a year, within one year of appointment. The reason for that decision and the value it would have on the operation of the board was recognized by the civilian members of the working committee.

With training, regardless of what that training is, it needs to be funded. Without funding for any training determined by this bill or by the Commission, some other coverage or efforts in our communities will go unanswered or unfulfilled. Unfunded mandates need to end.

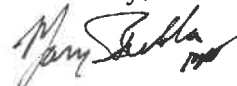
Lastly, a clear understanding of the definition of "misconduct" needs to be clarified for all to understand. Is that as simple as an officer raising his/her voice to stop a motorist at a detail? Additionally, this has the makings of usurping the authority of the Chief of Police, and taking away his/her ability to manage the officers in the Department if officers were to understand it makes no difference what the Chief

decides in these matters because they will be decided and changed by another group even after the Chief's disciplinary action.

In summary, I thank you for your openness to accept testimony from the Chiefs of Police as it relates to the bill and to some of the hard discussions and decisions you will need to make in the coming days. As I stated before, I applaud the efforts to make changes that will hopefully fill voids to create more equity for all of our citizens, I just want to ensure they actually have the desired results.

Thank you for all you do in our State to keep Massachusetts a leader in our nation.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary E. Butler". The signature is written in a cursive style with a large initial "M".

Mary E. Butler
Chief of Police
Salem, MA